Arch. Montg.

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I. Cor. xiv. 5.

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AMERICAN ECCLESIASTICAL REVIEW.

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NON-CATHOLIC MARRIAGES BEFORE THE CHURCH.

THE newspapers recently expressed great surprise about a decision of the Holy See in the case of an American marriage. It was reported that Leo XIII with his usual liberal spirit had gone so far as to recognize as valid a marriage which had been contracted before a Methodist minister, and no small amount of praise was for this reason paid by Protestant journalists to the great Pontiff. Catholics on their side were wondering where the pressmen had blundered, since there was nothing new in the decision if it had involved no other issue than the one emphasized by the reporters. It was plain to any informed Catholic that a different objection, stronger than the presence of a Protestant minister, had been raised against the marriage, and that such was the fact soon appeared from explanations given to the public. The validity of the tie in the case had been contested on the ground that at the time when it was contracted the marriage was null on account of the existence of the diriment impediment called "disparitas cultus," a nullity which had never been cured by dispensation at any time, and which remained even after the disappearance of the impediment because the necessary renewal of consent was wanting. The interest excited by this occurrence relative to the Catholic law in matrimonial causes, will, we think, make the exposition of the principal points of theology bearing on this subject a not unwelcome article for our clerical readers.

Non-Catholic marriages, that is marriages either of unbaptized non-Catholics (infideles) or baptized heretics or of Catholics who marry outside of the Church, may be in some cases valid and lawful, as when they are contracted by non-Catholics who act in good faith ; or they may be unlawful but valid, as when they are contracted in bad faith by heretics or by Catholics who are free from an *annulling* but not from an *impeding* impediment; or they may be invalid for any class of persons, whether contracted sinfully or not, when there is an impediment rescinding the effects of the consent. From these various causes many complications are apt to arise which may bring the disputed marriages before the tribunals of the Church. Let us examine how far the Church would recognize them as valid or lawful, and what she can do either to annul or on the other hand to validate them. Before answering we shall premise a few principles which are held as incontestable by all Catholics. They are :

By the law of nature marriage requires only the free and mutual consent of two persons who are capable of conjugal union. At the beginning this union was in virtue of a divine positive law, which was founded on the strongest motives of natural law, to be between one man and one woman only until death took away either of the consorts ; that is, marriage was to be one and indissoluble. An exemption, however, from this law was admitted for a time, and polygamy as well as divorce were under certain conditions allowed to the Jews, and hence probably also to the Gentiles "on account of the hardness of their hearts." (Matt. xix. 8). But Christ, who came to restore perfect man, again raised marriage from its lowered condition. He blotted out the two stains which had defaced the divine institution, and by his supreme authority abolished for the whole human race polygamy and divorce. Nay more, he elevated matrimony among Christians to the dignity of a sacrament of the New Law, adding to it the virtue of conferring grace, and thus placing it, like the other sacraments, in the care of His Church to which he entrusted its administration till the end of time. (Cfr. the Constitut. *Arcanum* of Leo XIII.)

The subject matter of this Sacrament may be said to consist of the conjugal rights resulting from the contract. The form of the sacrament is contained in the expression of the consent of the contracting persons who thus become also the ministers of the sacrament. (Cfr. Heiss, De Matrim. § 5.) To constitute the essence of the Sacrament of Matrimony as such, nothing more is required than

the ability of the baptized parties to contract the alliance of husband and wife, and their expressed intention of belonging in this sense one to the other forever. The ceremonies of the Church, the blessing of the priest, the presence of witnesses are desirable, and even prescribed, but not absolutely necessary. By their mutual contract alone Christians, otherwise not disqualified, become husband and wife, and receive the Sacrament of Matrimony, even if sinfully yet validly, so that, when they become properly disposed, the Sacrament may and will "per reviviscentiam" produce its sacramental effects of grace. We now come to answer the questions concerning the possible action of the Church in regard to non-Catholic marriages.

I.

How far does the Church recognize non-Catholic marriages?

We shall first consider marriages contracted by non-baptized persons, whom theologians are wont to call infidels. Such unions are subject only to the rules of the natural and the divine positive law, and if at the time of the contract there existed no impediment established by either of these laws, v. g. *impotentia* or *ligamen*, they are true marriages, "matrimonia legitima," and when persons thus joined in wedlock enter the Church by conversion and baptism, their marriage remains valid and it becomes absolutely indissoluble, even if it should not become a Sacrament, a question on which theologians are at variance (Cfr. Heiss § 4). Later on we shall see how in one particular case such a marriage may be dissolved.

Christians, that is baptized persons, whether members of the true Church or heretics—for heresy does not free its votaries from obedience to or from the effects of ecclesiastical laws—marry validly when otherwise capable, unless the Church, who is the custodian of the Sacrament, for valid reasons, were to annul the contract or declare the parties incapable of contracting. The man and the woman, as said before, who enter wedlock, are themselves the ministers of the Sacrament, and when they present the proper matter and form, they receive the Sacrament of Matrimony, whether they do so lawfully before the Church, or unlawfully by marrying either clandestinely or before an unauthorized ecclesiastical officer, be he a Catholic or a heretic. It is only when a diriment impediment intervenes that the contract is null and void and hence the Sacrament is, in such case, not received. Thus in all parishes where the Tridentine decree "*Tametsi*" has been promulgated and is still in force, clandestinity or the act of not marrying before one's own

pastor and two witnesses nullifies the contract ; but it does not invalidate the marriage in places where the old common law is still maintained, as in England and in the greater part of the United States. In the same way a "substantial" error in regard to the person, or several degrees of the various kinds of kindred, or grave fear, or disparity of religion and some other ecclesiastical impediments make the contract null and void between persons who according to natural and divine law could have validly married. Hence the Church does not recognize as valid marriages which were null and void on account of a *diriment* impediment whether between Catholics, or between heretics, or between a Catholic and a heretic, wherever celebrated. She recognizes them as valid, although *per se* unlawful, when contracted with an *impeding* or forbidding impediment.

The contraction of a marriage, otherwise valid, is sometimes unlawful and sinful. Thus persons under the obligation of a simple vow of chastity, or not freed from the bond of solemn betrothal to another person, contract validly, but not without the guilt of grievous sin. Likewise marrying clandestinely where the Tridentine law does not exist makes the union as binding as if it was blessed by the priest, but it is a grave transgression of one of the most salutary ordinances of the Church. Mixed marriages, that is between a Catholic and a baptized heretic or schismatic, fraught as they are with the danger of apostacy from the faith and the practice of religion of the Catholic party and his or her children, have been always held in abhorrence by the Church, and they cannot lawfully be contracted except by dispensation of the Holy See after a solemn pledge has been given that the dangers to which these marriages are so apt to lead will be obviated. Again it is a grievous sin to marry before an unqualified minister of the sacred rite, such as a lay officer of the law, or a priest suspended from his functions, or a Protestant minister. In the last case the transgression, being a "communicatio in sacris" with a heretic, entails excommunication, the absolution of which in this country is reserved to episcopal jurisdiction (Conc. Balt. III n. 127); but such marriages are always valid if there is no other absolute disqualification according to the natural, the divine, or the ecclesiastical law.

Here it is that the public press was mistaken in regard to the Bridgeport case. It was supposed that a marriage which had been *unlawfully* contracted by a Catholic would on that account be declared *null and void* by the Church. This was assumed in spite of the now certain doctrine in theology that the contracting parties are

themselves the ministers of the Sacrament, and that the Sacrament is received whenever the contract is valid. The presence of a clergyman who is the pastor of either the bridegroom or the bride is, it is true, required for the validity of the tie where the "Tametsi" decree of the Council of Trent is in vigor, but only because the Church in such case by her divinely delegated power annuls a contract to which the pastor is not a witness and makes the parties "inhabiles ad sic contrahendum." Even there, however, the suspension of the pastor or the crime of heresy incurred by him does not incapacitate him from being validly present at the marriage. Deposition only or privation of his benefice or office disqualifies him absolutely. For his presence is required not as of a minister of the Sacrament, but as of a qualified witness, a "testis authorizabilis."

If, thus, a pastor fallen into heresy is a competent witness in places where the presence of the pastor is an indispensable condition to the validity of a marriage, we cannot deem null and void the marriage which is contracted before a non-Catholic clergyman in places where the presence of a priest in only required for the becoming reception of the Sacrament and for the sake of protecting the contracting parties and their offspring as members of the Church and of society. A marriage, therefore, privately contracted, if properly proved, is, although pronounced unlawful, recognized as valid by the Church. A marriage before a layman, be he a judge or any other magistrate, is likewise recognized as valid although forbidden. A marriage before a Protestant minister, adding as it does, the sin of a "communicatio in sacris" to the malice of neglect of religious duty, entails a reserved excommunication, but it is none the less recognized as valid and absolutely indissoluble.

What non-Catholic marriages, then, will the Church not recognize?

The general answer is found in what has already been said. Any marriage which is invalid on account of a natural, a divine or an ecclesiastical impediment is not acknowledged by the Catholic Church. As such we mention the following:

Null and void are, by natural right, marriages between "impotentes," between parents and their offspring, between children who do not understand the nature of the contract, a marriage with or between insane persons. It is evident that such contracts, whether made between non-Catholics or Catholics, could not be accounted as binding, and that the Church would declare them absolutely void. Such would likewise be a marriage entered with the stipulation that

it may be dissolved by a divorce; for such a stipulation is contrary to one of the essential "bona" of matrimony, viz.: "bonum Sacramenti." But when the right to a possible divorce is not stipulated in the contract, although believed in by both or either of the contracting parties, it does not annul the union, because the intention of contracting for life, according to the nature of wedlock, is presumed to prevail over the merely speculative disposition or opinion regarding the lawfulness of divorce. Some years ago the contrary opinion was strongly defended by the well-known late editor of the New York *Freeman's Journal*; but the common doctrine of theologians was against him, and in accordance with the declaration of Pius VI (Ad Archiep. Pragens. 11 July, 1789) the view, which was apt to disturb the permanency of many households, does not seem at present to be held as probable by any authoritative writers on the subject. (Cfr. Kenrick Tract. XXI. 40.)

By divine positive law, as said above, the contract of marriage between persons, one of whom at least is still validly married to another, is, even for non-Christians, null and void on account of the "impedimentum ligaminis." The case presents itself most frequently in consequence of the facility with which divorces "a vinculo," that is absolute nullifications of an existing marriage tie, are granted in many states of this country. Catholics maintain that, whatever may be the cause or provocation, a valid marriage "consummatum" between baptized persons can be dissolved only by death; and before the tribunals of the Church, in the confessional as well as in the ecclesiastical court, the decision will always be "unus cum una et pro semper."

Finally, marriages contracted under an ecclesiastical diriment impediment are likewise null and void. The Church, having the power to bind and to loose, may render the parties incapable to contract, or annul the contract itself when it is being made. Consequently, whether or not persons who are by baptism subject to the legislative ordinances of the Church, may have been considered as married before the civil law, if there was between them a nullifying impediment, they are not married before God, and their union is a mere concubinage. (Cfr. Letter of Pius IX. to the king of Sardinia, 12th September, 1852). Of these impediments the number is much larger than those which are proclaimed by natural or divine positive law; but unlike them they are not perpetual nor are they irremovable. The Church establishes them or suppresses them for the welfare of Christian society, according to the requirements of times,

places and circumstances, and she dispenses in them in individual cases when the good of souls can be secured by the relaxation of the law. Some of them can even be removed by the very persons thus wedded, when they take away the obstacles which caused the nullity, as, v.g., when an unbaptized person receives baptism and renews the contract.

The principal ecclesiastical impediments are the condition of servitude of one of the parties when that condition was unknown to the other; solemn religious vows or holy orders; relationship in various ways; lack of the proper age; fear or abduction; crime of murder to procure marriage, or of adultery committed with the promise of subsequent marriage; disparity of religion between a baptized and an unbaptized person, and clandestinity where the law of the Council of Trent is in force. All these obstacles unless taken away by dispensation, or otherwise, make the conjugal union not only unlawful but impossible. Even when the existence of the impediment is unknown to the reputed married couple, the marriage is null and void, and, after it is discovered, the persons concerned are obliged to separate, unless the defect should be cured either by the parties themselves, where this is in their power, or by competent dispensation. Catholics who have thus knowingly married before a priest, or a minister, or a magistrate are in the state of sin as long as they persevere in their pretended wedlock, and they cannot be allowed to receive the Sacraments. Nay more, if their transgression is public they may be visited with censures and other punishments. Baptized non-Catholics, upon entering the Church, if thus married, are also obliged to separate unless the impediment can be, and is, actually removed.

But it may happen that there is no certainty about the existence of an impediment between persons who have nevertheless contracted marriage either in good or in bad faith. Such is frequently the case with the impediment of clandestinity where the decree "Tametsi" has been published, as in Catholic Europe, in Catholic America and in some dioceses of the United States. The ecclesiastical tribunals there and consequently in Rome have numberless cases of clandestinity to try, and the best canonists are not seldom at variance as to the respective merits of a particular case, because it is frequently difficult to decide who was the proper pastor of the parties, and whether his presence and that of two qualified witnesses had validated the contract. Don Abbondio in the "Promessi Sposi" of Manzoni is a telling example of the troubles to which this impediment

may give rise, and the Acta S. Sedis are full of complicated clandestinity cases brought for solution to the supreme tribunal of the Church.

Where, however, this impediment does not exist, as it does not in the greater part of the United States, it is the impediment resulting from the disparity in religion, which comes most frequently before the matrimonial courts.

A Catholic marries a Protestant before a minister or a squire, or even privately, without inquiring whether the non-Catholic party was baptized at all. They live together a while, but become estranged, and the Catholic consort, taking up with some new love, this time wishes to marry according to the laws of the Church, or else simply marries without mentioning the former tie. On the other hand the Protestant party may become a Catholic after having become entangled in a new union or when wishing to marry a Catholic. The question in such cases arises, Which of the two unions is to be considered as binding and valid? The law directs the priest to refer the case to the bishop. For he is in the first instance the ecclesiastical judge of matrimonial causes, and he has a tribunal, a necessary member of which is the "Defensor Matrimonii," the Defender of the marriage tie. The duties and functions of the latter, together with the whole procedure in matrimonial cases are set forth in the Constitution of Benedict XIV, *Miseratione divina*, and more in detail in the *Instructio S. Congregationis de judiciis ecclesiasticis circa caussas matrimoniales*. (Append. Conc. Plen. Balt. III p. 262).

When it is evident that the first marriage was null and void on account of an indisputable impediment, such as *ligamen* or *disparitas cultus*, the bishop may according to a decision of the S. Office pronounce at once upon the nullity of the tie without going through the usual canonical formalities of courts. (Resp. ad Ep. Wayne-Cast. Cong. S. Off. 20 Mart. 1889.) But where there is the least doubt, he is obliged to have the case investigated and decided by the regular tribunal on matrimony. Should the sentence here be against the doubted marriage, the "Defender of the marriage tie" must appeal to the metropolitan tribunal, and if the decision there be in the same sense, he may either accept the decision or else appeal to Rome. This appeal he is bound to make whenever the first decision has been in his favor and the second on appeal from the plaintiff against the tie.

Let us for the purpose of illustration suppose that Caius, a Prot-

estant, has married Bertha, a Catholic, before a Protestant minister, consequently without any dispensation. Afterwards Caius, having separated from Bertha, desires to marry Cornelia, another Catholic who, however, is only willing to accept him if he be free before God and the church from his former tie. This Caius asserts he is, because he has heard of the impediment of "disparitas cultus," and says he never was baptized even as a Protestant. The case is brought before the bishop who, suspecting that the allegation of Caius might possibly be false or erroneous, ordains that canonical proceedings be entered in his court. The merit of the cause will turn entirely on the question whether Caius had been baptized at the time when he married Bertha, and if so, whether his baptism was valid ; the one a question of fact, the other of law.

To settle about the fact, evidence is taken on both sides, and the matter is judged on the same grounds as other historical doubts. If there is a moral certainty that baptism was never received by Caius, he is declared free to marry Cornelia, but this he can do only after the case, if appealed, has been decided in second instance in his favor. Should the probability be that baptism was received, the marriage with Bertha will be presumed to stand, as the Church does not by her impediment mean to annul what is a probable right. Caius will not be allowed to marry Cornelia. (Cf. Resp. ad Epum Savan. in App. Conc. Balt. III p. 246.)

If there exists a doubt about the validity of baptism received by Caius outside of the Catholic Church the decision will depend on the amount of probability in favor of the validity of such baptism. Should it be shown that it was administered in a manner certainly invalid on account of the absence of the essential requirements as to matter or form, the marriage of Caius with Bertha will be declared null and void. But this is by no means the case, if the Sacrament appears to have been validly administered; for the Church accepts a baptism, even doubtful, as a sufficient disposition to render a marriage valid and binding. The impediment in fact, being established by the Church, can also be removed by her, and that she does in such cases remove it is clear from her code of jurisprudence and from the unanimous teaching of her canonists and theologians. In difficult cases recourse should of course be had to the Holy See.

Should it happen that, after a decision has been given by any ecclesiastical tribunal or authority, new evidence be discovered which would show the sentence to have been erroneous, the case may be reopened. For decisions in matrimonial matters concerning the tie

never pass into *rem judicatam*, that is, they are not irreformable, and on any new evidence the former decision may be reversed.

II.

Does the Church ever annul non-Catholic marriages, and in what manner?

As was explained before, a marriage that is "ratum et consummatum," whether between Catholics or between heretics or between a Catholic and a non-Catholic, cannot be dissolved except by death.[1] The Church has no power to separate such unions. No cause, not even adultery can legitimate a true divorce. This is a doctrine not directly, it is true, but indirectly defined by the Council of Trent in the following canon of the XXIV session: "Si quis dixerit Ecclesiam errare cum docuit et docet . . . . propter adulterium alterius conjugum Matrimonium non posse dissolvi, anathema sit," and it is therefore theologically certain and proximate to faith. This doctrine she always taught as a revealed truth, which to maintain she fought the most powerful princes, underwent the severest persecutions and allowed whole nations to be torn away from her rather than to grant or to approve a decree of divorce. "On this head," says Leo XIII in his grand constitution *Arcanum*, "all future ages will admire the courageous documents issued by Nicholas I against Lothair; by Urban II and Paschal II against Philip I of France; by Celestine III and Innocent III against Philip II of France; by Clement VII and Paul III against Henry VIII; and finally by the holy and unyielding Pius VII against Napoleon I at a time when the latter was at the height of his prosperity and power. "Marriage, then, is indissoluble even when the consorts find their wedded life to have become unbearable to them; all the Church can do for such is to allow to them a limited divorce, that is separation from bed and board, such as Our Lord himself, when re-establishing the indissolubility of marriage, declared to be lawful "fornicationis causa": "Quicumque dimiserit uxorem suam, nisi ob fornicationem, et aliam duxerit, mœchatur: et qui dimissam duxerit, mœchatur." (Matt. xix, 9.)

But marriages can be dissolved when they are merely "legitima," that is, between unbaptized persons, or only "rata," that is, between baptized persons who have not made use of their marriage right. In the former case a marriage contracted in infidelity is dis-

1 This is true likewise of a marriage between a Catholic and an unbaptized non-Catholic which was valid through a dispensation in "disparitate cultus." (Cfr. Heiss § 4.)

solved even as to the tie when one of the consorts having embraced the faith and having in vain called upon the other consort to live with him, or her, without insult to the faith of the converted party, contracts a new marriage with one of the faithful. This is the "Casus Apostoli;" thus named because St. Paul makes it known in his first Epistle to the Corinthians: "Quod si infidelis discedit, discedat: non enim servituti subjectus est frater, aut soror in hujusmodi" (vii, 5). This text has practically been thus understood by the Church, who, notwithstanding the growling of some canonists of the now defunct Gallican school, has positively allowed and allows converts to remarry under the stated conditions and under legitimate restrictions. In so far as the Church acts here and sometimes dispenses in the "interpellatio," she may be said to annul non-Catholic marriages which were contracted outside her domain.

Marriages that were "rata tantum" may likewise happen to come within the range of non-Catholic unions which are annulled by the Church. Theologians teach as an undoubted point of law, supported by the common practice of the Church, that a marriage which was not "consummatum" is annulled if either of the consorts within two months after the wedding enters a religious order and afterwards makes a solemn profession of religious life. The tie is dissolved at the moment the vows are validly made, and the party not bound by the vow becomes free to remarry. As this might be done by non-Catholics who have become Catholics, it might be said in this case that a non-Catholic marriage is dissolved by the Church; but it is clear that it would be so for a reason entirely independent of the fact that the marriage was contracted outside of the Church.

A similar nullification of a valid marriage occurs when the Pope, as has frequently been done during the last three centuries, dispenses in a marriage that was "ratum" but not "consummatum." Not seldom were such marriages contracted outside or in spite of the Church, and the converted and repentant consort applies for this remedy to sever a union which has proved ill-omened and unfortunate. The dissolution is granted or refused according to the gravity of the motives and the opportuneness of the circumstances, but only after due investigation and a trial, when necessary, by the local authorities on the non-consummation of the marriage, and the petition for the dispensation is presented to the Holy Father generally through the Congregation of the Council, which adds its recommendation for the granting of the favor, when deemed useful, for the

good of souls, but which also not unfrequently decides "non expedire," this phrase implying that the dispensation should not be insisted on by the postulator at Rome.

III.

Our last query is what can and will the Church do towards validating non-Catholic marriages?

There is question here of marriages which would otherwise be invalid. Consequently we have not to treat of mixed marriages, properly so called, between a Catholic and a baptized heretic or schismatic. These are not null even when contracted without the necessary dispensation, which is granted only by the Holy See, that is, by the Congregation of the Holy Office or its delegate for very serious reasons and with every reasonable provision for the protection of the faith of the Catholic party and the offspring; but such marriages would, as stated before, be grievously sinful. The Church, however, on account of the general danger, strives to prevent them, especially where the governments attempt to use such marriages for proselytizing purposes, as was the case in Prussia some fifty years ago and as is still done in Hungary. As she cannot annul the marriages when validly although unlawfully coutracted, she endeavors to save these wretched members of her flock from the danger of spiritual ruin by due precautions to guard the faith of the Catholic consort and his or her children.

Validation, therefore, of a non-Catholic as well as of a Catholic marriage means the ratification before God and the Church of a union which otherwise would be null on account of a diriment impediment. Should the impediment be of such a nature that it would invalidate marriage between Catholics in similar circumstances, it will cease for converted non-Catholics in the same way that it would for Catholics. Thus the "impedimentum ligaminis" ceases by the death of one of the parties of the first marriage, and the surviving party, if already married to another, can make this union, hitherto null, valid by renewing the consent, and this even privately, unless prevented by the law of clandestinity. In the same way the impediment of "disparitas cultus" will cease either by dispensation or by the baptism of the "pars infidelis"; but here too the express renewal of the consent is required, and for this even cohabitation "affectu conjugali" is not sufficient. For a consent which was null when given cannot be renewed unless at least the party that gave it is aware that he or she are actually binding themselves by a true

obligation. The impediment of clandestinity can likewise cease without a dispensation if the married couple take domicile in a district where the Tridentine law is not in force, and there, after having acquired domicile or at least quasi-domicile and knowing the nullity of their previous contract, renew their consent. Thus in all such cases the knowledge of the nullity of the marriage and the subsequent renewal of consent are strictly necessary for its validation, unless a dispensation "in radice" should cure the defect. "Sequitur," says Lehmkuhl, (de sanat. matr. in radice n. 829), "si quod ecclesiasticum impedimentum alia ratione quam dispensatione cesset, matrimonium validum fieri non posse, nisi per *novum* consensum; quum Ecclesia primum consensum numquam acceptarit: in dispensatione vero ordinario modo data *per se quidem* etiam talem prioris consensus acceptationem non contineri, contineri tamen *posse* ex voluntate Ecclesiæ in casibus difficilibus *tacite data.*

"Explico: Si qui contraxerunt clandestine in loco, ubi lex Tridentina viget, impedimenti dirimentis ignari: quamquam postea in loco, ubi lex Tridentina non viget, vitam conjugalem agunt, matrimonium non convalescit, siquidem haec vita conjugalis fundatur in priore consensu invalide dato. Verum si scientes, se antea invalide contraxisse, nunc vero se a valido matrimonio per legem Trid. non impediri, vitam conjugalem producunt, matrimonium reddunt validum, eo quod non verbis quidem, sed re consensum novum a priore independentem ponunt."

We have mentioned the validation of a marriage by means of a dispensation. This, in fact, is a general remedy for all unions which are, or would be null and void on account of ecclesiastical impediments. The same power, which in virtue of its authority to bind and loose on earth can establish such impediments, that is the Church, and the Church alone, can also take them away. In some of them, however, she rarely, and in others she never dispenses. Such are consanguinity in the first lateral degree, solemn religious vows, holy Orders, especially of priesthood; in others she dispenses for grave reasons, such as more remote degrees of kindred, affinity, spiritual relationship, *crimen*, *disparitas cultus*. Others need no dispensation, as explained already. The parties themselves dispose of them where they can do so, and thus remove the obstacle to a valid union.

The Church at times dispenses without requiring the renewal of the consent from one or both consorts. This is done by the dispensation "in radice." The effect of this relaxation of the law is

that a marriage already contracted, but null on account of some ecclesiastical impediment, is made valid as if it had been so from the beginning, and this without the knowledge of one or even of both parties. Such dispensations are granted only for very serious reasons, v. g., when one party, whose consent is reasonably presumed to continue, could very likely not be induced, if made acquainted with the nullity, to renew formally the consent previously given. The continuation of that consent is in such cases inferred from the fact that it has never been retracted, and that cohabitation takes place between the reputed husband and wife. (Cfr. Van Der Moeren De Spons. et Matr. p. 160). Dispensation *in radice* is an extreme remedy which is applied for the revalidation especially of marriages which are null on account of clandestinity, *disparitas cultus*, or the forbidden degrees of kindred. Our bishops have among their "Facultates extraordinariæ" that of "Sanandi in radice matrimonia contracta, quando comperitur adfuisse impedimentum dirimens, super quo ex Apostolicæ Sedis indulto dispensare ipse possit, magnumque fore incommodum requirendi a parte innoxia renovationem consensus, monita tamen parte conscia impedimenti de effectu hujus sanationis" (Facult. Extraord. D. n. 6.).

H. GABRIELS.

SCIENTIFIC AND METAPHYSICAL COSMOLOGY.

THE title we have put at the head of this article may sound somewhat strange to the generality of our readers. We acknowledge the apparent singularity, and hasten to explain it.

Cosmology, which by its etymological derivation means a discourse on the cosmos or the universe, has always been understood as implying that branch of Philosophy which treats of bodies in general; that is, not of this or of that peculiar species of bodies, but of certain things which are found to be in all bodies, and which bring all of them under one genus.

But the general theory of the material world or bodies is composed of two distinct parts, which in modern times have come so close together as almost to touch each other. The first is the province of the scientist; the second, the peculiar branch of the metaphysician. We must guard against confounding one with the other.

The scientific theory busies itself exclusively with the phenomena of the material world. But it is not content with merely observing them, or with making experiments in order to find the laws of said phenomena, and the consequences of those laws by means of induction. It does more. It does what every theory ought to do ; it explains in putting order among those phenomena. Instead of letting the immense accumulation of facts, which observation and experiments have discovered, remain in a confused manner in our intellect, it arranges them and subordinates one to the other, by showing that such phenomena are the effects, of which such other phenomena are the causes. It is by so doing that it finally arrives at those elementary phenomena, the combinations of which give rise to all others, and which consequently, in the purely material world, play the role of universal causes. This may rightly be called scientific cosmology.

But does scientific cosmology fix the limit and the end of human knowledge as to the material world? Does it raise and resolve the many and varied problems, which may be and have been proposed in time and space by the human intellect, in relation to the sensible universe? Evidently not. To assert the contrary would be to woefully mistake the nature, aim and means of experimental sciences, or to admit that there exists and can exist nothing beyond or above what is the legitimate object of the same.

This object is that which can be ascertained by observation and experiments, and nothing more.

True, science as we have said, gathers a great number of phenomena and facts, arranges them under certain laws, points out how certain phenomena are the effect of other phenomena, and from effect to cause it gradually arrives at the ultimate and simple phenomena which are the cause of all the phenomena which affect bodies. But mark well! Every phenomenon of the series must be proved and verified by observation and experiments ; and when the series is completed and science has arrived at the last and universal phenomena, the cause of all others, it must not take these for granted or approve them by way of reasoning and logical conclusion, but must uphold them only because ascertained to be so by observation and experiments. The consequence of this is that the only legitimate and proper object of experimental science, in order to produce certainty, is that which falls under observation and can be demonstrated by the testimony of the same.

The second consequence, which follows close upon the above, is

that if there be any theory in the material world which observation and experiment cannot reach ; if there be any substance under the phenomena which renders them possible and sustains them ; if we should want to know the nature and essence of such substance ; all this is outside the province of the scientists, and is the distinctive, proper and exclusive object of metaphysical cosmology. To deny the latter is the same as to deny that there is a substance under the phenomena of the material world ; or, that the sciences of observation have changed their role and assumed the place of Metaphysics.

We would not spend so much time in putting in its proper light a truth so well known to those who understand this matter, were it not that a modern author in treating one of the most fundamental questions of metaphysical cosmology has mistaken it for one belonging to scientific cosmology and has flatly denied that metaphysics have anything to do with it. Nay he has gone so far as to call to an account the greatest and the best of ancient and modern metaphysicians of the Catholic Church, such as St. Thomas, Suarez, and all the schoolmen of mediæval times, and among the modern such names as Liberatore, Sanseverino, Cardinal Zigliara and a host of others. He has read them a lecture for persisting to maintain old fashioned views long exploded, and for ignoring willfully and with malice prepense the present results of science. Here are a few extracts: "After comparing a number of our most widely known Catholic philosophical authors on the question mentioned, one can hardly avoid coming to the conclusion that the strict scholastic orthodoxy of some of them is fairly in proportion to their *ignorance of the very elementary principles of modern chemistry.*" [1] Again, "Catholic philosophers as have not given themselves considerable trouble to get acquainted with the results of modern chemical and biological investigations still uphold with a zeal worthy of a better cause, the mediæval views, etc." [2]

We forbear making any remarks upon such language. Our readers will draw their own conclusion when, for the sake of truth and justice we have made good the following statements :

1st. It is absolutely false that any of the authors alluded to were ignorant of this result of modern science. Anyone who will take the trouble to open the cosmological part of the works, say of Liberatore, Sanseverino, Zigliara, Harper, Lahousse, Pesch, Van der Aa, Cornoldi, Schneid, and others whom we need not mention,

1 Rev. J. Gmeiner, Mediæval and Modern Cosmology. Page 12.
2 *Id*: page 23.

will see how great and how profound is their knowledge of the theories and results of modern sciences and how carefully and accurately they state them and give them all the importance and weight which they deserve. A superficial survey of such works will satisfy any one that Catholic authors have stated modern theories with greater knowledge, accuracy and fullness than, as we shall see, the author of "Mediæval and Modern Cosmology" has done.

The second fact is, that besides knowing and appreciating the true results of modern science, they are thoroughly conversant with their business as metaphysicians. They can discriminate within a hair's breadth what is a physical and what is a metaphysical question.

We regret to own that we cannot say the same of the author of "Mediæval and Modern Cosmology." How far he understands the difference between what pertains to physical science, and what to metaphysics, may be seen by the following quotation, page 17. He is refuting the opinion of Aristotle in regard to the essential elements of bodies and says, "Cardinal Zigliara claims that the question concerning the essential principles of bodies is not a physical but a metaphysical one." What is the answer of the author to this claim of the learned Cardinal? *Risum teneatis amici.* "We reply that Aristotle and his followers did not consider the first matter and substantial forms as *abstractions* but as concrete realities continually manifesting themselves in physical phenomena."

What a pity that Aristotle and his followers did not look upon matter and form as *abstractions*, for in that case they would have been part and parcel of metaphysics, and their treatment would have been a metaphysical question. But being looked upon by Aristotle and his followers as realities they must of course be a physical question. It is too bad for Cardinal Zigliara not to know that a reality is the object of the physical science, and to be treated accordingly. Abstractions only are under the exclusive treatment of metaphysics and metaphysicians.

What can our readers say of such profound knowledge and high appreciation of the queen of all philosophical sciences as displayed by the author to whom we are alluding? They will perceive that this author is so hard on Catholic philosophers not because they are not acquainted with the results of modern science, but because he, the author, does not know what a metaphysical question is. He has a great respect for F. Secchi. We recommend to his attention the following extract from the same: "The physicist admits bodies as an external reality, and acknowledges also as a fact

the transmission of movement from one to the other by means of contact, but he does not *busy himself to explain it, but only to bring it into union with other facts. He leaves to the metaphysician to discuss subjects placed beyond those limits.* Also it is not the province of the physicist to decide with regard to elements if they be simple or not. It is the same for us to imagine that the primitive impenetrable atom fills the space of a solid sphere R, as to picture to ourselves in the centre of a geometrical sphere a simple being which may act as far as R from the centre itself, thus producing impenetrability. The effects being practically the same, the physicist cannot decide the question and must leave it to metaphysicians." [1]

Here F. Secchi marks with great felicity the boundaries which divide the ground of the physicist from that of the metaphysician. The province of the former is the physical world as far as it can be ascertained by observation, therefore it is limited to take notice of phenomena and effects and to assign their cause, if that can also fall under his observation and can be demonstrated by the same means.

If the cause is beyond observation, if it defies experiment, then the physicist has accomplished his role and must hand over the matter to the metaphysician.

The point at which both come in contact is, that the latter accepts all the results of the former as the groundwork and the foundation for his investigations. Metaphysics is not a process founded on abstractions, on *a priori* principles exclusively, a web constructed of mere abstract premises and conclusions, having no foundation in nature. It is a science founded on facts and phenomena. It takes as the subject for its departure those facts and phenomena which have been observed and proved by the natural philosopher, and upon them it builds its construction. It says to the physicist, you have observed such and such properties to belong to bodies, you have ascertained the fact beyond doubt ; in your investigation you have traced these phenomena to this or that cause, and you have arrived at the last and simplest cause ascertainable by observation and can now go no farther. Very well, I accept with pleasure and with a very great sense of obligation all the conclusions you have arrived at. I take your facts and your phenomena together with your explanation and I will now investigate the substance underlying such phenomena, the nature hidden in that substance. As your work has ceased, you must let me now attend to mine, without interruption or interference, and in my own way and with my own in-

1. Secchi, L'Unita delle forze fisiche, V. 2, Book 4, Ch. 1.

struments. One thing you have a right to insist upon which is of great importance to you and to me. This is, that the result of my investigation shall not be anything contradictory to any of the facts well ascertained by you. This rule I accept and will keep before my mind as a guiding light. It is my interest to do so. If I were to transgress it I would be cutting the ground from under my feet and construct my reasoning upon the air.

As a specimen or example illustrating the theories we have so far endeavored to explain we shall take one of the most important and fundamental problems of Cosmology and discuss it in this and in the following articles.

The problem is :—the essential constitution of bodies organic as well as inorganic. In other words, we wish to find out the first necessary essential principles which enter into the composition of a body which make it what it is, and distinguish it from all other beings in the universe. We shall demonstrate how the most probable opinion which we hold not only admits all the real facts received by scientists in reference to the question, but how it raises its whole construction upon those facts and how it furnishes the best and the most satisfactory explanation of the same.

It is unnecessary to mention that such a problem as the essential principles of bodies has exercised the intellect of philosophers of all ages and nations. The result of their speculation has been a great variety of opinions. They may be reduced to the following : Atomism, pure or mechanical, Dynamic Atomism, Chemic Atomism, Dynamism and the Peripatetic system, the last being followed by all Catholic philosophers in the middle ages and with very few exceptions by Catholic metaphysicians of modern times. We shall not spend much time upon the first two as they are generally discarded at present by the majority even of physicists.

The first, that is pure atomism, maintains that a body is made out of a multitude of smaller bodies called molecules and that there are groups of much smaller bodies called atoms. These are essentially extended, indivisible and impenetrable. To form a molecule they are brought near each other but without ever touching each other by the force of attraction, and are kept at a distance by the force of repulsion. They are in juxtaposition and thus form a molecule. These in their turn are brought together and kept apart by the same force and thus form the body. Movement of every kind, such as attraction or repulsion, comes to the atoms from without and never from within, as they are endowed with no internal force of any kind ;

hence their action is only mechanical and transmitted in the same way from one to another. From the variety of movement communicated to the atoms these philosophers explain the variety of bodies, as variety of movement produces difference of grouping and figures.

This system is untenable both in physics and in metaphysics. In the first because

1st. It cannot prove by actual observation that the movement or forces come to the atom from without and not from within.

2d. It cannot prove by observation that variety of movement causes the difference in body.

It is false in metaphysics as it is a contradiction to suppose a being absolutely devoid of all action. Every being must have a nature of its own. Nature is the first principle of action in every being. A thing absolutely inactive is equivalent to non-existence.

These reasons have given rise to Dynamic Atomism. This accepts the system just explained in all its parts, except that touching on movement. It holds that force and movement in the atoms come from a principle interior and not exterior to it.

When we are explaining the true opinion we will show what the Dynamic Atomistic system really amounts to. We proceed to the expounding of the Chemical system:

1st. This maintains that matter which means the same as corporeal substance is divided into ponderable and imponderable. The first is called that part of matter which can be weighed. The second has been so called because no weight has as yet been found in it. Imponderable matter, as ether, not only mingles with all sensible bodies, but fills all cosmic space. To it are attributed all the phenomena of light, heat, electricity, magnetism, and universal gravitation.

2d. All bodies resulting from ponderable matter are either simple or composite. Those bodies are called simple which cannot be resolved into other bodies of different nature. These according to the latest discoveries of science amount to seventy in number. Those bodies are called composite which can be divided into bodies of different nature.

3d. All bodies can be divided into parts. But those parts of a body which cannot be divided into other parts, but resist all mechanical contrivance to that effect are called *integrant molecules*. These are homogeneous, that is of the same nature with each other and with the whole. The molecules of composite bodies can, however, be resolved into heterogeneous parts by chemical analysis. And these heterogeneous parts of integrant molecules are called *constituent*

molecules. The latter may be composite also, because only in substances essentially simple do we find absence of all composition. These incomposite little bodies may be styled primitive atoms.

4th. From all this it follows that bodies are an aggregate or cluster of substances ; since as many substances are to be counted in a body as there are primitive atoms, which compose it.

5th. The difference in the nature of bodies must be accounted for by the different nature of integrant molecules.

6th. These molecules are drawn to each other by the force of attraction which is called also molecular and obtains over integrant molecules of the same nature as well as over constituent molecules. When it is exercised upon homogeneous integrant molecules it is called cohesion and to it is due the compactness of bodies ; when it is exercised upon constituent molecules it is called affinity. From it arise all the combinations of heterogeneous molecules and from the latter combinations arise the integrant molecules of composite bodies.

7th. As cohesion unites molecules, so heat separates them. Hence the difference in the degree of cohesion among molecules ; it being greater or less in proportion, as one or the other force prevails. The distinction of bodies into solid, liquid, or gaseous is due to the different degrees of cohesion.

These scientists conclude, from all the statements laid down :

1st. That atoms of any one substance are all alike as to mass and gravity.

2d. That atoms of different substances are different as to mass and gravity.

3d. We know that atoms exhibit different figures from the phenomenon of chrystallization.

4th. Nearly all chemists agree upon the essential properties of atoms, which are *extension* and *resistance*.

The remark we have to offer upon the chemical atomistic theory is, that as a solution of the problem of the constitution of bodies from the standpoint of scientific cosmology it is very probable. Moreover, all those facts on which the theory is constructed, but which are well ascertained and true results of science and are admitted by the best modern scientists, may be taken as a groundwork for the investigation of the metaphysician.

The theory considered and assumed as the final solution of the problem cannot be accepted. First, because, as we have demonstrated in the introduction to this article, no solution of a problem by any of the experimental sciences can ever be final, for

the simple reason that these are founded on what can be observed by the senses with, or without, mechanical aid. And, therefore, anything, such as the essence, the nature, the substance of a being which defies observation is beyond the possibilities and capacity of science.

Secondly, because as a final solution of the problem, the atomic chemical theory is absurd.

In the first place we ask : Has the existence of atoms been so well ascertained as to be beyond doubt a received fact among scientists? Is it a truth founded on observation and experiment? What justifies the question is that, as Father Secchi remarks, "observation cannot decide on the question since atoms cannot be handled with the fingers, nor seen through the microscope." [1]

Every one however can see that the existence of atoms is the ground-work of the whole system. If the ground gives away the whole structure must fall and involve every thing in its ruins.

Now what does science say to our question? Let us listen to the author of "Mediæval and Modern Cosmology." "Whether atoms in the strictest sense of the word do *exist*, or whether these hypothetical atoms are, or not, alike these are questions still open for disputes." [2]

The childlike naiveness of this author is charming beyond expression. He bids all Catholic philosophers abandon the system of the noblest and brightest minds that ever honored the human race, to reject that philosophy which has been the glory of Catholic schools. He issues his commands with a peremptoriness and authority not to be trifled with. He blames them, in anything but gentle terms, for their obstinacy in clinging so tenaciously to antiquated, flimsy theories. He casts upon them the reproach of willful ignorance as to the result of modern science. He can barely hide the contempt he feels for them and places them before his readers in a light anything but enviable or flattering. And for what special reasons? For their great crime in refusing to accept his favorite theory of the primitive atoms as the essential, constituent principles of bodies. And then coolly, deliberately, without any apparent concern, as if he were uttering the most natural thing in the world, without the remotest suspicion of the figure he himself might cut, he tells his readers that after all it is by no means certain that atoms do exist, that their reality is anything but an indisputable fact; that, perhaps, they are only hypothetical.

1 L' Unita delle forze fisiche, Vol. II, Book 4, Chap. 1.
2 Gmeiner Mediæval and Modern Cosmology, Page 15.

Can any thing be more delightful or amusing? You want me to fling away the support from under my feet; you blame me for being rather averse to such a step; and for my only ground you propose to leave me nothing but vacuum.

But, assuming that we were to content ourselves with so little and accept your atoms as an answer to the problem, what should we gain? The question is, What are the primitive essential principles of bodies? You reply, atoms. Pray what is your definition of an atom? A body of infinitely small dimensions. Then your atom, small as it may be, is a body after all. Then your answer to the problem, What is a body made of? is, a body is made of smaller bodies. We are much obliged for the explanation; but we find ourselves as much in the dark now, as we were before you condescended to throw so much light on the subject. It is as much as to say a tree is made of smaller trees, a house is the result of smaller houses.

Let our readers keep in mind that, according to the chemical system, a body is a mass of molecules placed in juxtaposition to each other, but without touching, so kept in their places by the forces of attraction and repulsion. Atoms then, which form a molecule though indivisible and simple, are the same as bodies which fall under our observation, little bodies resulting from parts yet more tiny, and grouped together by the same forces. To offer them as the first essential elements of bodies is to say that bodies are constructed of other bodies. This may be a very fine and elegant invention of modern science, but, according to common sense, sounds very much like a tautology.

Again, let our readers bear in mind that we are disputing about the essential principles of bodies, those which, in order to be essential, must be the first which come into the composition of a body.

For an answer we are told that such principles are atoms of their own nature extended, because, as chemical philosophy admits, no being which is not essentially simple can be supposed to be unextended. If atoms are extended they must necessarily be the result of all the parts which enter into its composition. Therefore, they are not *first* and cannot be assumed to be the essential elements of bodies. I am seeking for those things, whatever they may be, which mark the boundaries of my investigation as to the composition of bodies. I am analyzing the natural body, and from one thing to another I want to arrive at some entity beyond which I cannot go; an entity or entities which may stand for the very first components and you answer by setting before me something which is the effect

and result of other components. I want a unity beyond which I must not go ; and you give me a number, which is a sum of other unities, which I can analyze and divide into its parts.

Then your answer does not advance me one step towards the solution of our problem.

But there is something much worse than that in your answer to the problem. There is the impossible and the absurd. You say the atom is essentially extended, that is, made of parts. These parts, tiny as they may be, are in their turn also extended, otherwise they would be simple, a supposition which you scornfully reject. They are then also made of parts. These in their turn are also extended and made of parts, and we may go on from one extended part to another without ever stopping.

It matters little if you say that such a division is physically impossible; that we have no means either natural or artificial to make any such division ; that such parts must be held to be practically indivisible.

I say grant all that ; the fact yet remains that there is in *rerum natura* actually existing a portion of matter infinitely small, but yet extended : otherwise it would no longer be matter, and made up of parts also extended and the result of other parts.

In your system such thing is a reality, something objective. It matters not whether our instruments can analyze it or not. It exists and asserts itself and will not be set aside.

Therefore, mark the conclusion : an atom in your system presents in itself an objective foundation for an infinite division. This is admitted by chemists. "The primitive atoms" says Tongiorgi, "though simple (in the chemical sense) are still in force of the essence of the continual, divisible ad infinitum, at least mentally." Cosm. Lib. 1st, ch. 3, art. 2.

If divisible ad infinitum the atom must contain an infinite number of parts, and each part in its turn be composed of other infinite parts. Now an infinite number is not possible, it is a mathematical absurdity.

Therefore the atom of the chemical system is an absurdity. There is no escaping this conclusion: either we admit the ultimate parts of a molecule to be simple and therefore mathematical points as far as extension is concerned, or we must grant them to be composed and then the absurdity of an infinite number starts before us in all its hideousness and stares us in the face.

Moreover, will these chemico-atomists be kind enough to tell us how in their hypothesis they explain the existence of each atom in the unity of substance and activity? By their acknowledgment an atom is a body in miniature, an aggregate of infinitesimal parts, brought together by the law of cohesion. Now what principle gives this aggregate this grouping, that union which must be substantial to make each atom an individuum or a subsistence? Some have answered that it is fully sufficient that such a union should be accidental. It need by no means be substantial. It need not be, if you don't want to speak of an atom individually. But so long as you represent atoms to be distinct, each having a subsistence of its own, each being a thing by itself, if you deny a principle which unites all the parts substantially, you will speak nonsense and contradict yourself.

This becomes more evident if we consider the activity of an atom. Pray, how can an atom act as one agent if all the parts which compose it are not united by some substantial principle? And as every force in the physical world can be reduced to movement we may put the question in another form, and ask—how do a number of parts, only accidentally united, conspire to produce one movement? How explain the conspiration without a unity of principle bringing them together and causing them to move in one direction? Is there anything in nature or art which shows the supposition possible? Take any mechanical contrivance, say a locomotive. It has a number of parts. They are joined together, one being placed in contact with the other. Could all those parts unite in producing movement if one substantial principle—steam did not animate them all and propel them in a given direction.

You will say the parts of a locomotive have only a mechanical movement; they have no internal force which prompts them to act from within, and that is the reason why they require a principle of movement.

But even supposing a number of parts acting by an internal principle, we must still exact a substantial principle informing them all to bring them into unity of action. Take an atom; supposing it made up of a million of infinitesimal parts. How are these united together to form one atom? You answer, by the force of adhesion resident in each of those parts and forcing them together. Is this force of adhesion something which has an existence of its own, or does it have to lean on those parts in order to exist, so that if it were not for that support it would not exist at all?

Moreover, is that same force one and identical in all of those parts, or is it something different?

If you answer that that force has an existence of its own independently of those tiny parts, and that it is identical in all of them, then you admit one substantial principle bringing into unity of existence and action all those elements. Because everything which has an existence of its own is a substance. In this case you concede that your atoms do not, and cannot, officiate as the primary essential principles of bodies, and are of no use as an answer to the problem.

If, on the other hand, you look upon that force of adhesion as different in each one of those parts, and as an accident leaning on them, you absolutely fail to explain how those different accidents can conspire to unite all those particles, and make them exist in unity of existence and action. The effect cannot be greater than its cause, any more than a consequence can be wider than its premises. And in this case the accident which would not exist without the substance, which must lean on it to be conceived possible, would be the cause of movement in the same substance.

This without taking into account the absurdity of multiplying forces without necessity, a supposition in utter conflict with every observation of nature. For nature acts in the most simple manner and with the fewest possible forces.

What we have said of the atom must be said of all the bodies called simple in the system we are remarking upon and also of all the mixed bodies; as the reasoning applies to both with equal urgency. Again we beg to know how this system explains the total change which takes place in the specific qualities of elementary bodies in their combination to form mixed bodies and *vice versa*. The author of "Modern and Mediæval Cosmology" denies that change. He asserts with proud confidence that Aristotle considered the substantial forms of terrestial elements to be something transmutable, but that of course is false. Because "*modern chemistry holds the immutability of the properties of the ultimate chemical atoms.*" [1]

Whether modern chemistry holds this or not is of very little consequence. The important point of the question is whether it has any right to hold such a thing, and if so, on what foundation?

We need not tell the learned author that he must not take every assertion of chemists or chemistry as so much pure gospel. He must not be allowed to think that blundering is the exclusive privilege of his opponents, or that assertions and abstractions are the

1 L. C. page 17.

peculiar gift of metaphysicians, from which all scientists are debarred.

Have then chemists any reason to assume the immutability of the properties of the ultimate chemical atoms? Certainly not; because observation and experiment are against them. It is a fact put beyond all possibility of doubt, and acknowledged by chemists, that simple bodies when taken separately and by themselves exhibit properties different from those which they show when forming a part of a mixed body. Purely as simple they show one kind of properties; mixed with each other they yield another kind. Oxygen, for instance, and hydrogen, when taken separately offer one kind of properties; when mixed up so as to form water show different properties. Sodium is a soft argentiferous metal; on the other hand chlorine is a greenish yellow, energetic, poisonous gas. When both are combined they yield common salt, the properties of which have no similarity with those of its components. Oxygen in itself is an odorless gas and as such necessary and useful to animal life, yet if mixed even in a small quantity with ozone it becomes a strong, highly offensive poison.

How now account for these facts and a thousand more unless we admit a specific change in the nature of the bodies which are united? Different specific qualities and properties imply difference of nature in the principle which gives rise to them. If then two simple bodies looked at separately exhibit one kind of properties and when combined yield a different, sometimes, contrary kind of property, some essential change must have taken place in them by the combination; or we should have an effect without a cause. It will not do to say that the first can be accounted for by alleging the phenomenon of neutralization. Because to say that the forces are neutralized is merely to assert the phenomenon in different words but is not any kind of explanation of the same.

The chemico atomic theory utterly fails in accounting for the fact of the change taking place in the specific properties of simple bodies when these are combined and *vice versa*.

Finally, this system renders the existence of a mixed body and its action absolutely inconceivable. It maintains that no change can ever take place in the ultimate chemical atoms. Therefore no change in the simple bodies of which they are parts. In such a supposition no mixture of two simple bodies is conceivable, except by juxtaposition to each other; that is, no real mixture at all.

This is evident, because these two simple bodies are of course

material and therefore extended, and could be united in three ways, either by compenetration, or by both occupying the same place, or by both being turned into a third, the result of the combination. The first and last hypothesis is denied by chemists. The third is impossible, because two bodies cannot occupy the same place at the same time. Therefore the mixture of bodies according to the chemists, can only amount to this, that one body approaches the other.

We conclude this article with a quotation from St. Thomas, to show how old are some of the notions which some of our modern wiseacres think they have just discovered, and how irrefragably they have been disposed of by the geniuses of Catholic schools. "Avicenna maintained that the substantial forms of the elements remained unchangeable in the mixed body, and that the combination took place because the different qualities of the elements were reduced to a medium (modern neutralization). But such a theory is impossible, because the different forms of elements cannot exist in different parts of matter, among the differences of which those of dimension must be taken into account; otherwise matter would no longer be divisible. Now, matter subject to dimensions is only found in bodies, and different bodies cannot be in the same place. Therefore it follows that the elements in a mixed body cannot be in the same place as to site or location, and thus there could be no true mixture as to the whole, but only in the sense that the smallest parts were in juxtaposition to each other." St. Ths. S. Th. 1 Pars. qu. : 76 Art. : 4 ad 4.

J. De Concilio.

THE SEAL OF THE CONFESSIONAL AND THE CIVIL LAW.

In speaking of the religious duty on the part of a priest to keep absolutely secret whatever has been revealed to him in sacramental confession, we have regard here, principally, to the case where this obligation comes in conflict with the requirements of civil law.

The rights of a public court to exact testimony, where there is question of the common safety or of the vindication of justice within its sphere, stands admitted by the code of common law. Right and charity, under one title or many, oblige the individual, even in conscience, to give such testimony. Nevertheless there are

limits beyond which the State may not trespass. Its office of controlling the external order for the commonweal does not authorize it to enter the private sanctuaries of the domestic life, the family and the individual, unless the latter were to obstruct the common good and destroy the public safety. The silent reflection of a penitent upon his sin before God cannot be said to obstruct the common good. He is not bound by any law of State to confess his guilt, and until direct or circumstantial evidence convict him, he is free before the civil tribunal. Now when a person confesses sacramentally to a priest he means simply and only to confess to God. He would not reveal his guilt under any other consideration and the confessor accepts the condition of his penitent as such and as such only. So far as the State, the court, the public, even the priest himself, outside of the confessional is concerned, the words spoken in the sacred tribunal are as though they were never uttered. The keeping, therefore, of them as a secret has no direct effect whatever upon the commonwealth; they are like the thoughts of repentance which are spoken to the inmost heart where neither judge nor jury nor witness may pry.

In acknowledgment of this fact secular jurisprudence admits on general grounds the sacredness of the confessional. The courts of Germany and France, for example, whilst their governments exercise public discrimination against the Catholic Clergy, allow that a priest, called to testify in court, may disavow all knowledge obtained from a criminal in confession. The conduct of Paul I, toward the beginning of the present century, having threatened the abbé Alexander, a French emigré, with torture and death unless he revealed the confession made to him by a dying conspirator against the Russian throne, proves that a Tartar despot knows how to respect the sacred duty of a priest towards his penitent.[1]

The legislation in the United States on this subject is not uniform even where it is pronounced; and in many States, as will be seen from Mr. Claxton's reference, no provision is made at all to shield a priest against being punished for contempt of court in case he refused to testify to knowledge which he is presumed to have obtained in the exercise of his sacred ministry as confessor. In the earlier part of the present century a case occurred in the City of New York

1 Paul I on finding that his angry threats had no effect upon the abbé turned to General Kutaissoff, saying: "Conduct this priest to his home. I honor him for his valor and his virtue." Unfortunately the cruelty of the Czar relented in nothing toward his subjects, and he was afterwards assassinated by the conspirators.

calling forth wide attention and which has served not only as a precedent in similar instances, but caused the adoption of a clause in the Revised Statutes of New York to the effect " that no minister of the Gospel, or priest of any denomination whatsoever, shall be allowed to disclose any confessions made to him in his professional character, in the course of discipline enjoined by the rules and practice of such denomination." (Revised Stat. III c. 7, art. 8. sec. 72.)[1]

But few cases have since then occurred (notably one in the courts of Richmond, Virginia, October, 1855,) in which American judges showed any disposition to place a priest in the embarrassing necessity of declining testimony which he was supposed to have received through the confessional.

Yet while our courts have on the whole deferred to the duties of conscience in the individual citizen, irrespective of religious denomination, we have no guarantee that this would be the case under all circumstances. The question which we here raise is not merely a speculative one. Those who are at present in possession of the rudder of public opinion make no secret of their tendency to elevate state authority to the position of supreme arbiter in matters not only political and social but also domestic and religious. The insistence upon compulsory education where there is no actual necessity for such force measure is but one straw which points out the direction in which the common current is driving us with the noisy ripples of liberty and advancement. It is taken for granted as a sort of ethical maxim useful in practical politics that the universal conscience must supersede the individual conscience and that where religion comes in

1 Dr. Gilmary Shea relates the case as follows: A man and his wife were indicted for receiving stolen goods, but before trial the owner of the property acknowledged that he had received his property back from the hands of Rev. Anthony Kohlmann. The clergyman was subpœnaed to appear at the trial as a witness against the supposed thieves and those accused as receivers When called to the witness box Rev. Mr. Kohlmann asked to be excused from answering, and said: "Were I summoned to give evidence as a private individual (in which capacity I declare most solemnly, I know nothing relative to the case before the courts), and to testify from those ordinary sources of information from which the witnesses present have derived theirs, I should not for a moment hesitate and should even deem it a duty of conscience to declare whatever knowledge I might have . . . . . but if called upon to testify in quality of a minister of a sacrament, in which my God Himself has enjoined on me a perpetual and inviolable secrecy, I must declare to this honorable court, that I cannot, I must not answer any question that has a bearing upon the restitution in question; and that it would be my duty to prefer instantaneous death or any temporal misfortune, rather than disclose the name of any penitent in question." . . . . . The court through the Hon. De Witt Clinton, who presided, carefully reviewed the whole case and decided that a priest could not be called upon to testify as to matters which he knew only through the confessional.—*History of the Cath. Church in the United States*, Vol. III, pp. 165, 166.

conflict with the popular will expressed in the government and state legislation, it must yield as a private interest to the general good. Even where the law seems to favor the freedom of conscience and to insist upon the sacredness of certain confidential communications, it may readily be quoted against such exemption, even setting aside the discretionary power of a judge to interpret its meaning as going aside of the letter.[1]

As to the obligation of a priest to guard the seal of confession, it admits of no exception, of no distinction as to the gravity of the sins confessed or the persons concerned; and it differs from all other bonds of secrecy in this that it restricts the confessor no less in reference to the person who has confided to him his or her secret, than towards others who may or may not have cognizance of the matter. No consideration on earth can authorize a priest to betray by word or deed, or sign, or omission, or insinuation, directly or indirectly, what he has learned in the confessional. "Nunquam revelatio fieri potest etsi de totius rei publicæ salute agatur." (Lehmk. Theol. moral. I, n. 821, 7.) Any violation of this duty which has the sanction of the natural and divine as well as the ecclesiastical law, involves the crime of sacrilege. The penitent may indeed allow a confessor to make use of the sacramental subject matter outside of the confessional, but such leave is never to be sought unless in cases of unquestionable necessity to adjust a wrong and then is to be used with the utmost caution. If such permission be refused, the matter ends there, and on no account can the liberty of interpretation as to what a penitent might allow be employed in the case of his or her confession.

If a doubt arise in the priest's mind whether certain knowledge has come to him through the confessional or otherwise, he is equally bound to guard it. (In materia sigilli probabilitate uti non licet, scilicet: Probabilitas facti, seu si probabile est fuisse et etiam probabile non fuisse sacramentalem confessionem ex qua hausi notitiam,

1 Thus in Chitty's Blackstone, Bk. III, n. 370, we read "No counsel, attorney, *or other person*, intrusted with the secrets of the cause by the party himself shall be compelled, or perhaps allowed, to give evidence of such conversation or matter of privacy, as came to his knowledge by virtue of such trust and confidence." In the American edition a note upon this passage refers to the New York statute which says "physicians, surgeons and clergymen are not allowed to disclose matters confided to them in their professional character"—2 R. S. 406, § 72. Another note interprets the text as follows: "But the principles and policy of this rule restrain it to that confidence only which is placed in a counsel or solicitor, and which must necessarily be inviolable where the use of advocates and legal assistants is admitted. But the purposes of public justice supersede the delicacy of every other species of confidential communication." *Chitty's Blackstone*, American ed., vol. II, ch. XXIII, note 32.

non dat mihi jus aliquid dicendi vel agendi, quod fortasse sigilli læsionem contineat. Lehmk. Theol. mor. II., 458, 5.)

Under the same obligation are comprised not only sins with their circumstances of persons, places, etc., but the character, state of life, defects—such as scrupulosity and the like—of the penitent. Things known otherwise, which have likewise become the subject of confession, do not prevent a priest from giving testimony, but his evidence must exclude all possibility of reference to the confession. Any subject confided to a priest with the understanding that it is meant as a confessional secret binds him equally, although he receives it outside of the sacred tribunal.[1]

The gravity of this duty to protect the secret of a penitent's confession is at once evident from the solemn alternative imposed upon the confessor, viz., to accept death under all circumstances rather than to commit a violation in any way of the seal of the confession. (Si sine violatione sigilli confessarius necem sibi paratam effugere seu evitare nequit, aut sacrilegium objectivum non potest evitare: haec potius pati aut permittere *debet*, quam sigillum violare.—Lehmk. II, 467, 8.) Nor may he allow himself to be swayed in the expression of his judgment in regard to persons whom from their confession he knows to be unworthy of certain positions. Thus a superior cannot remove from office, even though he find some plausible external pretext, a subject who has confessed that he injures the community including the confessor, unless there were direct and sufficient cause for such removal independent of the confession.[2]

Founded as is this obligation of preserving secrecy, in the matter of sacramental confession, on divine and natural right, the Church has determined its application by the severest censures against those who would violate it. According to an ancient canon of Gratian, deposition from office and perpetual banishment were the penalty of such a crime. Many Synods ordain additional penance for life in bread and water and retirement in a monastery. It is remarkable that the penitential codes of the Anglo Saxon Church contain no canons in reference to the "sigillum," which may be explained by the fact that such violations are hardly known to have ever occurred.

1 Aliquando aliquis dicit alicui aliquod secretum, et ille recipit sub sigillo confessionis. Dicendum, quod aliquis non debet de facili aliquid recipere hoc modo; si tamen recipiat, tenetur ex promissione hoc modo celare ac si in confessione haberet, quamvis sub sigillo confessionis non habeat.—S. Thom. Summ. III, Suppl. VI, 2, 2.

2 Confessarii caveant diligentissime, ne ea notitia, quam de aliorum peccatis in confessione habuerunt, ad exteriorem gubernationem utantur.—Decr. Clement. VIII, Mai. 1594.

It is said that in the entire history of the Church scarcely half a dozen instances can be recorded where a priest allowed himself to be intimidated by the threat of death to reveal a confessional secret.[1]

An important and practical question is : how is a priest to conduct himself in cases where he is authoritatively required to make statements which involve the violation of the "Sigillum." According to the old canon law a priest was not to appear as witness in criminal cases before a civil court. To-day he has no longer the protection of withdrawal to keep him from the possibility of committing himself even by evading a question or by obstinate silence when confronted with the cross-examining lawyer. Theologians agree that under such circumstances a mental restriction could not be construed into a falsehood even were a confessor to assert under oath that he is absolutely ignorant of any matter which had been communicated to him solely under the seal of confession. A witness is adduced in civil court to testify as man against man and whatever has been confided to him as alone it would be confided to God, is not or cannot properly be an object of inquiry by a civil court. (Homo non adducitur in testimonium nisi ut homo ; ideo sine laesione conscientiæ potest jurare, se nescire, quod scit tantum ut Deus.—St. Thom. Suppl. XI, a, 1 ad 3.)

But a course which is always open to a priest in such cases is the one adopted by F. Kohlmann, mentioned above, which not only shields the penitent but has the additional good of giving public testimony to the sacred obligations of our office and religion. "The question before this court is this : Whether a Roman Catholic priest can in any case be justifiable in revealing the secrets of sacramental confession? I say he cannot ; the reason whereof must be obvious to every one acquainted with the Tenets of the Catholic Church." With these words the noble Jesuit opened a clear and forcible explanation of the Catholic doctrine on sacramental confession. The exposition was listened to with great attention and the court through the Hon. DeWitt Clinton, who presided, expressed its decision that a priest under these circumstances was to be exempted from testifying. "Although we differ from the witness and his brethren in our

1 Binterim relates a case which is said to have occurred in 1095 at Rheims. Another instance is told by Wolfgang Menzel. A French priest Chaubard, near Toulouse, was suspected to have heard the confession of an assassin. The two sons of the murdered man, seeking to wreak their vengeance, threatened the priest with death if he would not point out the guilty party. He did so, and the murderer was killed. The facts becoming known the priest was placed on the wheel and tortured to death, whilst the judges did not dare to resist the infuriated mob which took part with the two sons, who received only the penalty of being banished from home.—*Wetzer u. Welte*, Beichtsiegel, V.

religious creed " said the judge, " yet we have no reason to question the purity of their motives or to impeach their good conduct as citizens. They are protected by the laws and constitution of this country in the full and free exercise of their religion, and *this court can never countenance or authorize* the application of insult to their faith, or of torture to their consciences."

Among the ordinary causes which would make a confessor liable to subpœna is that of restitution made through him by a penitent, whom the law is in search of. The teachings of pastoral theology advise a confessor, in cases where he is made the medium of restitution, to take every precaution that no suspicion be cast upon any person, and if possible to transact the matter through a prudent friend at a distance to whom nothing more is to be mentioned than the name and place of the party entitled to the restored property for which a receipt in writing is to be asked in order that the penitent may receive the assurance of the restitution faithfully made. In court nothing is to be said which would indicate the penitent. If it be taken for granted that an accused person be guilty because it is known that he or she went to confession to the witness, the confessor should explicitly state that nothing for or against the person could be deduced from his (the confessor's) silence or from the act of going to confession. If an innocent person be accused and in danger of conviction owing to the suspicion aroused by the fact of having made a sacramental confession, the priest may obtain an explicit statement of innocence from the accused, and with his or her leave make the same known as a witness in court.

Other cases which may subject a priest to requisition as witness in court are those in which an accomplice who repents desires the priest to restrain or admonish others involved in the commission of certain crimes, so as to make them desist. Such duty is rarely to be undertaken by a confessor. He may prevail with his penitent to induce the guilty parties to approach him in the confessional, but it is rarely prudent to use the knowledge of the confessional—even though the penitent have not only given leave but explicitly desired him to do so — for the correction of others unless justice or charity equivalent to necessity make such measure urgent. If there be grave reasons for admonishing the guilty accomplices let the penitent state the matter outside the confessional ; and to avoid all risk of suspicion as to the violation of the secret of confession the priest would have to say that he received his information in the ordinary course of communication.

Although the undefined character of our present legislation on this subject in the different States seems to allow of only a general classification as to the specific statutes to which a confessor might appeal, in case of subpœna, for the privilege of exemption from testifying under the circumstances mentioned, it will no doubt be of some service to have a general survey of the purely legal aspect of the case. This we leave to the gentleman whose profession entitles him to speak more distinctly on the subject.

IN a number of well-known cases the Supreme Court of Pennsylvania has held that "Christianity is part of the Common Law of Pennsylvania," and has then gone on to explain that the term "Christianity" is to be taken in its broad, general signification, and not restricted to the definition that would be given it by any one body calling itself Christian. That is, as the title Christian is held by Catholics and Quakers, for example, only that is to be called Christianity in the sense of the court which Catholics and Quakers would agree upon. This decision in its vagueness is an expression of what has been called in the language of jurisprudence *public policy*, because any narrower meaning given to the term "Christianity" would be a recognition, to a greater or less extent, of some one body calling itself Christian.

Under the operation of this principle of public policy, certain communications are held to be privileged. That is, they may not be demanded of the person to whom they are made, even in judicial proceedings. Of these privileged communications the most familiar are such as have been made by a husband to a wife, or *vice versa*; the confidences reposed by a client in his attorney after that relation has been established between them; and, in some States of the Union, confessions made to a priest or minister of the Gospel, by a person regarding such confession as a religious act. The privilege extended by the law to confidential communications between husband and wife, and attorney and client, exists in all the States of the Union, and, in the case of priest (or minister) and penitent, in *New York*,[1] *Wisconsin*, *Missouri*, *Michigan*, *Iowa*, *Indiana*, *California*, *Kansas*, *Minnesota*, *Ohio*, *Nebraska*, *Arkansas*, *Colorado*, *Wyoming*, *Montana*, *Nevada*, *Oregon*, *Washington*, *North and South Dakotah*, *as well as Utah* and *Arizona*.

Such communications, therefore, in States where the privilege does not exist, may be the subject of judicial inquiry, and the priest

1 It is note-worthy that in this list, New York is the only one of the original States.

(or minister) to whom they have been made is liable to be committed to prison for contempt of court, if he decline to reveal them.

It would *seem* that in the United States Courts the privilege may be extended, as a matter of grace, for in the case of Totten *v.* U. S. 2 Otto, 105, the Supreme Court, through Mr. Justice Field, declares that communications made in the confessional are not proper matter for judicial inquiry, putting them in the same category as those between husband and wife, and attorney and client, the revelation of which is opposed to public policy.

It cannot be said that such communications *must* be protected in the United States Courts, as the question (of the confessional) was not *the* one before the court, the specific question in Totten *v.* U. S. being, whether a person who had been employed by the President of the United States, in a secret service for the United States, could disclose the secret entrusted to him, in an action to recover compensation for such service. The decision of the court is in the negative, and it puts such "secrets"[1] in the same category as the others just mentioned. As the decision, here, was unanimous, it is reasonable to assume that, if the question of the confessional comes before the Supreme Court, directly, unembarrassed by any State law binding that court, it would hold that it is privileged, on the broad ground of public policy, and not on the authority of any Act of Congress, for there is no such Act.

As to the States in which the privilege does not exist, probably some judges would endeavour to dissuade counsel from seeking to discover communications of this nature, but, so long as there is no legislation forbidding it, it will be the duty of counsel, if the interests of their clients seem to prompt an examination of a priest concerning matters revealed in the confessional to do all in their power to effect disclosures. From a detailed examination, we find that under the law of twenty States and two Territories, a confession made by a penitent to a priest, is privileged, and under the law of the other States such confession can be made the subject of inquiry in judicial proceedings. This contradiction will not seem strange, perhaps, in view of the similar contradictions that prevail in most matters wherewith the laws of the several States deal, were it not for the fact that no priest (or minister worthy of the name,) could be induced, by fear of imprisonment for contempt of court, to divulge any such confession. Hence in permitting questions of this nature, the law gains nothing, unlessthe imprisonment of a priest be, in itself, a gain.

Wharton, in his well-known work on Criminal Law, after setting

forth that, at Common Law, confessions to clergymen were not privileged, quotes an eminent English judge as saying—"I for one, will never compel a clergyman to disclose communications made to him by a prisoner, but if he chooses to disclose them, I shall receive them in evidence." Of course, this is not tantamount to declaring that he would not permit questions to be asked in such matter, but the ruling would be a protection to the witness who declined to answer them. No doubt, this declaration of Chief Justice Best, for it was he who made it, has been a guide to many another judge.

Sir James Stephen, in his "Digest of the Law of Evidence," commenting on the refusal of privilege at Common Law to religious confessions, uses the following language, "I think the modern Law of Evidence is not so old as the Reformation, but has grown up by the practice of the courts, and by decisions in the course of the last two centuries. It came into existence at a time when exceptions in favor of auricular confessions to Roman Catholic priests were not likely to be made."

The above historical explanation by Sir James shows why by the Common, *i. e.* the unwritten[1] Law of the several States of the Union, "the general rule is that every person must testify to what he knows." Stephen, *loc.cit.*

In Greenleaf on Evidence [Redfield's Edition] where the same doctrine is laid down, there is a note 2 on the Roman Law, Vol. I, Part II, Chapter XI § 229, containing the following quotation from Mascardus, De Probat. Vol. I, Concl. 377. "Confessio coram sacerdote, in pœnitentia facta, non probat in judicio ; *quia censetur facta coram Deo ;* imo, si sacerdos eam enunciat, incidit in pœnam."

The note continues "It was lawful, however, for the priest to testify in such cases to the fact that the party had made a penitential confession to him, as the Church requires, and that he had enjoined penance upon him ; and, with the express consent of the penitent, he might lawfully testify to the substance of the confession itself."

As, therefore, the Common Law of England was in force in the several Colonies whence sprang the States of the Union, in so far as it was applicable to them, they received the doctrine of non-privilege of the confessional as a part of their jurisprudence at the Revolution, and for that reason it has required the direct act of the Legis-

1 The Common Law of England being, in effect, the judicial tradition of England, the Colonies received that tradition with their existence, and they, upon becoming the United States, preserved the tradition, except where it was not congruous with their altered political position. Hence it has required positive legislation to change the rule of Law on the matter here considered.

lature of a State to exempt a priest or minister from testifying to knowledge received by him from a penitent. The "religious" Statistics of the States will sufficiently explain why some Legislatures have granted the privilege, and others, not.

If the government of any State, wherein the prevailing religious opinion is opposed to extending the privilege, were capable of compelling a priest to testify to knowledge obtained by him in the confessional, there might be some sufficient justification for the courts of such a State commanding a witness of this description to answer; but, when experience shows that no such command can practically be executed, it seems difficult to explain the law as it now is in so many States.

It is the conviction of thinking men that a law which is not, or cannot be enforced had better be expunged from the body of the law, as a dead branch is cut from an otherwise healthy tree. Instead of the rule permitting questions of this nature leading to the revelation of crime and therefore, the furtherance of justice, it often has a precisely contrary effect, because, when a priest declines to answer as to the matter of a confession, that refusal to answer is frequently commented on by counsel as equivalent to a declaration that this or that has been actually revealed to him in the confessional. Even if the court, under such circumstances, were to instruct the jury that the priest's refusal to answer indicated nothing as to his knowledge, one way or another, yet in many, if not most cases, the judicial warning would fail to overcome the impression so apt to be made by a witness declining to answer a question. Sacramental confessions being simply a part of a Catholic's ordinary religious obligation and the hearing of them being a complementary part of a priest's ordinary duty, it is a grievous hardship to the priest that he may be subjected to serious embarrassment merely because of the discharge of such duty.

As for the penitent, it is manifestly unfair to him, for he is without choice in the matter, the church, resting on divine authority, ordains that he should confess, and the State commanding the priest to disclose the confession, the refusal of the latter to do which, in judicial proceedings, places the penitent in the very trying position adverted to above.

H. J. HEUSER,
W. R. CLAXTON.

THE COUNTRY PRIEST'S WEEK.*

(Sunday.)

First Mass is over, and the farmers go
Along the roads, where budding bushes grow,
A sense of peace upon them,—"Winter wheat
Is fair to middling;"—as they meet and greet
Their scraps of talk are not so full of gloom
As on the other days;—the windflowers bloom
In the sparse clearings, where the oaks are thin,
Among the puff-balls and the acorns;—in
A sheltered place arbutus shows its crest
Near where a meadow lark begins her nest.

There is a stillness in the sunny air,
There is a quietness,—a softness rare,—
The quality of Sunday—rest for all,
Except the priest, who answers to a call
From one in illness; last night till the moon
Late silvered the young wheat as light as noon
He heard confessions; betimes again to hear
The contrite tales he rose this morn; from near
And far the farmers gather;—fasting still
He greets them kindly, as he mounts the hill;—

He greets some neighbors as they churchward pass,
Who take his horse; and then he vests for Mass;
What time the farmers, in their Sunday coats,
Talk of the weather, and count up the votes
For and against the party of their loves;
Their wives,—a little solemn in tight gloves,—
Exchange receipts and wonder if the beef
Will burn at home, and tell of joys or grief,
A recent death, or that a batch of bread
Came from the stove as light as thistle-head.

The Mass begins; the sad melodeon wails;
The Kyrie is sung; uncertain gales
Bear up the Gloria;—why will she who takes
The treble part raise high her painful "shakes,"
While alto, organ, and the bass profound,
Each independent, makes discordant sound?
Veni Creator! Then the triumph comes!
The practice of a month that grand burst sums;
The basso roars, the treble, soaring, flies,
The alto trembles, sings alone, and dies.

* Suggested by Annette von Droste-Hülshof's "Des Alten Pfarrer's Woche."

On bended knees the old priest waits until
The warblers in the loft have worked their will;
"Veni Creator!" cry the four at once,
And then the basso, (sure the man's a dunce)
Repeats it and repeats it; then in turn
The treble and the alto show they burn
To rival his out-pouring, till the priest
Is faint with weary waiting; and the feast
Of music falls in fragments in the air,
And somehow there is gladness everywhere.

A sermon on the duty of the time,—
The Easter time,—some Scriptural words sublime
Of love and hope,—a wish about the pews
Whose rent is rather backward,—certain views
About a dance announced for Tuesday night,
In which plain speaking points the course of right;
The young folk look ashamed, the elders nod;
"True to your Church, and you'll be true to God,
Which grace I wish you all." A little while,
And all the place is radiant; angels smile;

Our Lord descends; the church is glorified;
The roughest face in some new flame is dyed;
The lights before the altar leap with joy,
The candles glow,—and that stout, red-cheeked boy
Who holds the censer (to-morrow he will plough)
Is rapt, seraphic, for a moment now;
The gray-haired priest is mightier than kings;
And this poor chapel, lacking many things,
Is grander than a palace: let them sing!
(Discords forgotten)—words of seraphs ring!

The Mass is done,—"Father, the banns next week,—
Don't call them loud!" And then the widow meek,
Approaching stills the laugh; she comes to seek
Another word of hope; her sad eyes speak
Of tears unshed,—"Father, a Mass," she asks;
Then come some farmers, full of daily tasks,—
"Shall the new school-house be of brick or stone?
Who will haul wood on Thursday? Is it known
Whether the railway passes Riley's field?—
But up the women glide,—then the men yield.

A hasty dinner and a sorry one,—
("The roast you ought to know, is overdone?
And who can keep potatoes on the fire
Without their growing soggy?" Thus the ire
Of her who guards the threshold of the priest
Takes form in words,—"You might have come, at least

Before the pudding burned ; they chatter so ! —
These country louts ; they'd stop it if you'd go,
And let them bite their tongues ;—the gravy's cold),—
He eats, and says no word ;—the plaint is old ;

And this grim lady, (you have met her sir ? —
This guardian spirit ?—here's success to her !)
Creeps to the door because a ring is heard ;
" His Riv'rence is eatin',—can't you leave word ?
No, you can't see him ! Come to-night, I say,—
You can't ?—well, try to come another day ! "
The door is slammed before the pastor can
Arise and stop the too persistent man
Who, when the supper waits " will come again,"—
The guardian knows the wicked ways of men !

The Sunday school,—some words the priest must say
To little children ; and they must be gay,
Yet with instruction fraught,—a picture here,
A medal there, a smile for eyes that peer
From golden curls, a joke for that small boy,
A warning word for this : here, smiling coy,
The maidens come,—the altar needs repair,
And they will do it ; then, with taste and care
He steers his way between the factions who
Hate all the good that other factions do.

Vespers and Benediction !—and the day
Of faith and love and all the various play
Of life in many tints, draws to its end ;
The people in the sunset homeward wend,
And, in an hour, stern Martha lights the lamp.—
("You've caught a cold, sir, standing in the damp)—
The pastor takes his chair. ("Old Clarke is here
About the money,—supper's spoiled,—that's clear !
And Mary Devlin wants,—Pat's at the door,—
I'll leave this house !—warning I give once more ! ")

The crowded day is gone ; the lights are out,
The pastor rests at last ; beyond a doubt
Pat Smith will come no more this night, at least !
And balmy sleep steals o'er the weary priest.
The day is done, well filled with duties, too,
And kindly thoughts and acts and sayings true.
He dreams a golden dream of Heavenly rest ;—
[Ah broken dream ! from out the lowering west
A man rides hastily, as the rain falls thick :
Three miles away, for Patrick Smith is sick !]

MAURICE FRANCIS EGAN.

A MODERN PROFESSOR OF THEOLOGY.

The German University Professor is a typical figure. No less a man than Göthe has said of him that he possesses the faculty of rendering the sciences inaccessible to the ordinary intellect. Probably this is true, although men like Père Didon and Sidney Whitman, who have studied the German system from their separate national points of view, tell us, that (to use the words of the latter writer) "amidst all the nebulous theories of speculative philosophy that raise the smile of foreigners, it remains a fact that the German people have carried more philosophy into every-day life than any other nation." Whatever be the explanation of this seeming contradiction, it must be allowed that the average university professor in Germany, as probably everywhere else, is much more of an instructor than an educator. The position is justified from the standpoint of those who hold that the university is a finishing school where those only are supposed to be admitted who have attained a certain ripeness of intellect and definite moral habits, which qualify them to make proper use of instruction under a system of so-called academic freedom, absolving the instructor from all responsibility beyond furnishing a supply of knowledge. According to this view the university professor is not supposed to educate but only to inform. His duty is to present the results of independent scientific research by which the field of knowledge is enlarged. He delivers his lectures and may answer questions, but short of this he does not hold himself accountable as to the use his hearers may be induced to make of the knowledge he holds out for sale.

The subject of this sketch, Dr. Hettinger, already known to English readers of high-class Catholic literature through Father Bowden's excellent translations, had a wholly different view of the duty of a university professor. Like Cardinal Newman, he held that the vocation of an educator found its highest expression in the academic teacher. The duty to educate and to put his knowledge to the best uses could never cease for the man of learning who realized the true end of all wisdom; and hence it was his task not simply to inform the minds of those who trusted him for knowledge, but above all, to influence and direct the energies of early manhood which had been rendered capable of accepting higher knowledge by the needful preparation in the lower courses of study. The professor was to him eminently an originator, a creative character, producing and fostering by his intellectual labors scientific study, together with that enthusiasm which is to the young mind what the heat of the soil is to the

healthy seed; it develops the latent powers of the individual and turns them, drives them, so to say, gradually toward fruitful activity in practical life such as is the proper sphere of each man in society.

In the struggle, of late years, between those who were in favor of confining the teaching of theology wholly to the seminaries, according to the instructions of the Council of Trent, and those who upheld the old system of endowing Catholic chairs at the national universities, Dr. Hettinger was on the side of the latter. The increase of Diocesan Seminaries was, he thought, indeed in many respects a desirable measure; but this should not imply the disestablishment of the philosophical and theological faculties at the imperial universities. The very existence of Catholic chairs at the centres of intellectual activity would, he contended, give a certain prestige to the learned men among the Catholic body, whilst it afforded exceptional opportunities to those whose talents fit them for the leadership in equal contest against the infidel or sectarian representatives at these same universities. "Let us consider thrice" he wrote, "before we make a demand from the government of substituting endowed seminaries in place of the Catholic chairs at the universities." The champions of negative criticism, like Hegel, Darwin, Comte, and their following, as well as historians of the schools of Machiavelli, Sismondi, Giannone, would have it all their own way, unless the presence of men, schooled in the same tactics and capable of applying the test of critical science to the false theories of infidelity, acted as a wholesome corrective to vindicate the honor of Catholic science without compromise or sacrifice of truth. Whilst then the ordinary student of theology receives sufficient information in the seminary, those who rise above their fellows by reason of talent and the impulse to use the same through the cultivation of superior knowledge in the contest of truth against error, seek the university. But are they properly equipped by the mere demonstration of scientific truth? We believe not. The traditional lecturer points out the advantages of certain intellectual weapons, their construction, their management, but the professor of Catholic science, and above all of theology, is required to do this and more. He is interested in the man who has to handle the weapon, because he is interested in his victory. Accordingly he illustrates his theory by practice, he strives with his pupil as a captain with his line; he makes the student take hold of the steel and watches his trying to use it; he corrects the awkward movements of the tyro; and, what is most important, he quickens the energy by proposing some real aim, which awakens enthusiasm; and in doing so he directs the action

of the disciple by a natural impulse more effective to overcome constitutional habits than the best understood precepts. Such was Dr. Hettinger during the many years in which he taught theology at the University of Würzburg. We have his biography by one who was not only an appreciative and privileged pupil but later on an intimate friend of the man who aside of many able professors in the same field was to the university students of Catholic Germany what Newman may be said to have been to those of England, a man all-sided in his knowledge as in his sympathies; a light, mild yet sure, to whom several generations of talented and high-minded youth have instinctively looked up for guidance amid the turbulent intellectual movements of this skeptic age.[1]

Dr. Hettinger's principal chair was that of Apologetic Theology. His two masterly works, the *Apologia* and the *Apologetica* give us a picture of the style and method of the man as a professor. It was not so much by his large figure and classic countenance, as rather by the quiet simplicity and noble yet genial benevolence which lit out of his face, that his mere presence exercised a notable influence over the students. There was always a large attendance at his lectures. The whole class arose, as if by an instinct of reverence, at his entrance. He would say a few words to rivet attention upon the definite subject of the lecture. One of the students then read for some minutes from Dr. Hettinger's text-book of Apologetics, where he has laid down in precise terms the principles of apologetic science with a clear and complete application to the different branches of practical theology. This served to give usually an outline of the subject matter of the lecture.

A clear mind, trained by exact studies for years, a rich imagination ennobled by habitual intercourse with whatever is elevated in literature and art, and chastened by the corrections of life's daily experience, gave to his exposition a peculiar charm and practical force. Dr. Hettinger possessed an agreeable voice, a careful enunciation, a naturally classic style of diction, and that lucidity of arrangement of his thoughts which is so pleasant to the attentive and intelligent hearer. In these gifts we may partially recognize the reason of Dr. Hettinger's popularity. But above it all there was that which contained the true secret of his permanent hold on, and directive power over his pupils. He made them feel what he felt, namely, his strong and lively faith, his love of the Church, his lofty

1 Franz Hettinger. Erinnerungen eines daukbaren Schüler's. Von Fr. Kaufmann.—Frankfurt & Luzern: Foesser Nachfolg. 1891.

realization of the vocation to the priesthood. What he strove after was to point out to the students in theology the way to become thoroughly versed in divine and human knowledge. For the accomplishment of this purpose he considered it absolutely necessary to cultivate the ascetical element. With him personally the priestly character always predominated over that of the academical professor, and he demanded from the theologian to keep constantly in mind that the purpose of all knowledge in his case was to show forth and represent God in his capacity as sacred minister of the altar.

In his exposition of the subject matter he avoided the slightest suspicion of pedantry. He had no sympathy for those of his learned fraternity who hold that it adds to a professor's weight if he indulge in mystifying abstractions, or that knowledge could gain by being rendered exclusive and inaccessible to the ordinary student. In the recurring lectures of each year he made changes which showed the chastening and progressive quality of his thought and how intercourse with his students taught him to enter more fully into their manner of receiving scientific truth. He affected no novelty or originality as to the exposition of Catholic doctrine, and adhered with a large-minded reverence and closely to the traditional teaching of the Church. In truth the care with which he respected the received doctrines of truth, whilst he took full and impartial cognizance of the development of critical science and the philosophy of history, made one conscious of the ardent attachment which he bore to the Church as the unfailing fount of orthodoxy.

In 1871 he assumed the professorship of dogmatic theology whilst he retained the chair of apologetics. Here he observed the same method as mentioned above. He would dictate slowly and intelligibly a brief outline of the argument contained in the lecture, thereby facilitating a systematic survey of the matter to be treated. Then followed the explanation in his usual style. It has sometimes been suggested, by way of criticism, that Dr. Hettinger did not always closely adhere to the strict interpretation of his subject, but often digressed, for the seeming purpose of illustration, into kindred fields. The fact can hardly be disputed ; but it remains an open question whether the object to be attained in the case of a theological professor is better served by the exclusive cultivation of special knowledge during the lecture hours, than by arousing at the same time the attention of the student to the manifold beauties and advantages which the special study of theology opens to him in the future. A university-course cannot complete the education of a

specialist in any profession ; it can only school him to the ways and means, and point out the sources whence he may draw in his professional activity. But in order that these instruments of future utility may be properly appreciated it is well to show their many-sided application and to animate the youth to find in his labors that pleasure which makes of them a work of love. This is of course essential in the priesthood. He who does not love the burden of the sacerdotal office has the temper of a hireling ; hence, whatever stimulates admiration for the duties and opportunities of that office serves directly the end to which the student of theology addresses himself.

Thus it happened that Dr. Hettinger frequently introduced into his lectures topics which did not strictly belong to the scientific development of his theme. He realized however that theology, as the queen of sciences and the art of arts, stood in harmonious relation to all other sciences and arts. His abundant knowledge of the ancient and modern classics, his love of art and the beauties of nature, his taste for travel and observation furnished him at all times with apt and interesting illustration which rendered his diction all the more vivid and impressive. The principles of æsthetics laid down in his different works on subjects of art are all drawn out with reference to God as the pattern of absolute and unchangeable beauty. Truth and goodness and beauty are but different forms of one and the same subject, vari-colored reflections of the Deity. This he demonstrates in his exhaustive and charming exposition of Dante's *Divina Commedia.*[1]

His numerous writings on all sorts of topics, such as the social question, on liturgy, jurisprudence, pedagogy, the various polemical issues of the day in Church and State, independent of his more solid ascetical and theological works [2] attest the rich treasury of a mind otherwise formed to habits of exact thinking. From it he knew how to draw for the instruction of the young men who eagerly flocked to hear him.

In both theological branches he frequently held public disputations. The defenders and objectors were appointed, and Hettinger himself took a lively part in the discussions of the theses. The language used in these intellectual skirmishes was always Latin.

1 On this subject alone he has written 1, The fundamental idea and character of the *Divina Commedia* ; 2. The theology of the *Divina Commedia* ; 3. The *Divina Commedia* of Dante, an exposition ; 4. *De theologicae speculativae ac mysticae connubio in Dantis praesertim trilogia.* Commentatio etc. ; 5. Dante and Beatrice ; 6. The Spirit of Dante.

2 His published writings under separate heads number more than thirty volumes.

He knew and appreciated the value of that exact terminology which is nowhere so well acquired as in the study of St. Thomas Acquinas, of whom he was an ardent admirer and constant student.

For a time he also taught Homiletics, and it is needless to say that he applied here also the principles and method already mentioned. Himself an easy and graceful speaker, he managed to inculcate a right practice, together with solid precepts, for which he usually referred to Bossuet whom he considered a model for preachers. He insisted upon young priests writing their sermons. "For twelve years," he said, "you must commit them word for word. Careful writing preserves you from commonplaces and fashions good expression. This you owe to your position and to your hearers."[1]

Whilst it was evident to all who observed the current of feeling at the University, that Dr. Hettinger exercised a decided influence upon the young men who attended his lectures, he was by no means inclined to abuse this power of which he must have been conscious. He always stood for liberty and independence and believed that with the inculcation of correct principles on the part of the authorities nothing was to be feared from the allowance of academic freedom. Of course he did not expect that the students should make their own code of discipline, but the academic law being determined by those whose experience and judgment entitled them to legislate, the system of enforcing order should be supported by an appeal to reason and honor rather than *espionage* or police control. He deemed it wise to convince the young men that their highest duty in practical life was to make sacrifices for the common good, and that a candidate for the priesthood could make no better preparation for his sublime calling than by training his will to self-control and seeking continually to cultivate the spirit of manly discipline. On the other hand he was as opposed to the arrogant appeals of that self-assertive liberty which ignores every restraint simply because it is a restraint as he was averse to liberalism in matters of doctrine.

His pronounced orthodoxy, which admitted of no compromise, was well known in government circles and he was for that reason supposed to be a *persona ingrata* with the high officials of state. Overtures were made to him from time to time showing that the influence which he exercised at the University might be extended if he were disposed to exchange "less ultramontane" views with the opportunists who waited on the ministry of state. When he was asked

1 Erinnerungen, p. 27.

to express himself as to what attitude he would assume if a certain high position were accorded him, he simply answered the representative of the government who proposed the matter to him: "Your Excellency, I am a Catholic priest." That said everything. He was a Catholic priest, Catholic wholly and entirely, and that meant no compromise with a masonic and temporizing government on questions of religion, which included those of so-called educational reforms.

As for worldly honors, he cared nothing for them. When in later years the authorities, yielding to the popular voice, gave to him the decoration and rank of a nobleman, he did not even go through the formality of acknowledging the privilege, by having his name enrolled in the register of the national nobility. The neglect did not arise from any reprehensible sense of pride, but because he was not conscious that it was an honor of which he should make use. And what was true of honors was equally true, in his case, of wealth. He lived always poor and in very modest apartments. From his surroundings one could glean that he had an appreciative sense of what was beautiful, but it only showed itself in a certain chaste simplicity, and in a few objects in his room which betokened fine taste and a love of nature. Such was the man who instructed many unto justice, a Catholic professor of the true type, a theologian whose influence will linger and engender life-giving activity not only among those who heard and conversed with him but those also who may read his works. One of these, perhaps his best, entitled "Letters to a young Student of Theology" we hope to introduce to our readers, beginning with our next number, sure that its beautiful doctrine will both delight and benefit many to whom it is not otherwise, or only partially, accessible.

THE EDITOR.

MIRACLES.

A Christian Apology by Paul Schanz, D. D., Ph., Professor of Theology at the University of Tübingen. Translated by Rev. Michael F. Clancy and Rev. Victor J. Schobel, D. D. Vols. I, II.

The two volumes, the title of which we have placed at the head of this article, form a very valuable contribution to modern polemical literature. We have no intention of reviewing this great work of the

eminent German professor, but merely wish to call the attention of the readers of the REVIEW to the Christian Apology, which we regard as an *opus classicum*. Certain chapters are deserving of special mention—in particular those on the "Various forms of Life," "Man," "Design and Purpose"—which are found in the first volume. In the second volume we were struck with the masterly essay on Miracles, and the general interest which, owing to recent discussions of the so-called "faith cures," attaches to the subject makes some light, such as Dr. Schanz throws upon the question of miracles, opportune. It is the fashion at the present day in the scientific world to deny the antecedent possibility of miracles. In other words miracles must be ruled out of court, they cannot receive a hearing. "In ancient times," says Prof. Schanz, "Sceptics and Pantheists strenuously maintained that miracles were impossible. And since the rise of Deism this denial has been the watchword of all the forces drawn up in battle array against Christianity. It is the war-cry of Spinoza, Hume and the entire pantheistic and semi-pantheistic host. It is the pæan of modern rationalists and pantheists, who regard the impossibility of miracles as self-evident. Neither mechanical nor idealistic Monism, nor shallow Deism, nor Dualism can give truce or quarter to miracles. For the Monist sees in all things a necessary evolution, either material or spiritual of universal being, while the Deist banishes God, after creation to an airy region beyond the universe. The one point in which all these systems agree, is in denying, or setting aside, or scrupulously avoiding all reference to the supernatural. For, as science is bounded by nature, and as all but experience and sense-perceptions are beyond its ken, concern about the supernatural is considered beneath the dignity of a scientific man." The best refutation of these false theories will be found in the simple exposition of a miracle.

By a miracle we understand an effect which cannot be explained by the ordinary course of nature. That such an effect is possible, follows from the fact that God Himself by an act of His free will established the laws of nature. He may consequently suspend any of these laws, (if such is His holy will), for the benefit of man for whom they were principally intended.

It is true, indeed, that the course of nature must be constant. If it were not, men could not exist. But this constancy of nature is by no means disturbed, when in a particular instance, the effect of a special law is suspended. The course of nature remains the same. Its laws in general are not changed; God simply by working a

miracle in a particular case suspends a law, in order to make known His will to us. As God freely created these laws by which nature is governed, He may change one or the other for the benefit of man and the exaltation of His own glory. Even natural agents may sometimes suspend natural laws in certain instances, without in the least disturbing the harmony of the universe. Some of the laws of nature, such as gravity for example, are not essential. It follows, therefore, that a miracle is a sign of God's will; for as the production of a supernatural effect is the only means by which God in the present order of His providence, can communicate truth to us, He cannot allow the evil spirit to make use of the same means to deceive us. Otherwise we would be at a loss to distinguish the voice of God from the delusions of Satan.

If then a miracle is performed in confirmation of a doctrine which is not evidently against any known truth, and which contains nothing derogatory to God, either in the manner in which it is revealed, or in the end for which it is proposed, we must acknowledge that doctrine to be God's revelation. Moreover, mankind have always considered miracles as the voice of God, and have felt the necessity of being taught by God Himself the doctrines necessary for salvation. God may, indeed, permit Satan to perform certain effects which we are obliged to hold as preternatural, since they are outside the well-known laws of nature. Yet when God allows this, He gives us the means of distinguishing between His own works, and those of the demon.

It must also be borne in mind that the evil spirit cannot perform true miracles, though he may do what to us might seem supernatural, since it is contrary to the known laws of nature. Now it may be objected that we do not know all the laws of nature, and cannot, therefore, say whether one of them has been suspended by miraculous power. To this we answer that it is not necessary to be acquainted with *all the laws* of nature in order to be judge of the nature of a miracle; but it suffices to know that the effect which we now witness is contrary to those laws of nature with which we are acquainted.

The astonishing effects produced by mesmerism cannot be justly urged against the truth of miracles. Many of these effects are the result of natural laws, for it is well known, that when the same cause has been applied in the same circumstances, the same mesmeric effect has invariably followed. There are other effects, however, which can not be attributed to any natural cause; for on the one

hand they are contrary to the laws of nature, and on the other are controlled by the will of a free agent. No Christian, therefore, can submit himself to be a medium, nor recklessly under every circumstance allow himself to be acted on by mesmerism.

From what we have said above, it follows that God does not change His mind, when He performs a miracle. From all eternity He decreed when and where an exception to the ordinary course of nature should take place. Again, the certainty we acquire from the testimony of competent witnesses is such as to exclude every fear of doubt. We have, indeed, a physical certainty that the general course of nature will always be the same; but we have not physical certainty of each law in every particular effect always remaining the same. When we say that a law will be the same we imply the condition that God will have it so in all circumstances. From physical certainty we predict; but from moral certainty based on testimony we affirm the fact of a miracle.

There is, therefore, no contradiction, for the terms of our assertion and prediction fall on different times and circumstances. Hence, we have no right to reject a miracle attested by competent witnesses on the plea that it is contrary to the laws of nature. Any one, however ignorant he may be in natural science, is capable of testifying to the existence of a miraculous fact, for he has simply to state what was obvious to his senses, namely, the external fact itself. The fact that men are very apt to believe in miracles proves only that, before admitting the truth of them, we must carefully examine the testimony on which they rest.

This, however, gives us no right to assert that all miracles are merely legends. The Catholic Church, says Bishop Hay, "teaches that the power of working miracles was never withdrawn and never will be withdrawn from her communion—that in all preceding ages, God has from time to time, raised up many great and holy men, by whom He has wrought miracles, and that He will never fail to do the same in all succeeding ages, in defence of the truth as taught by her, to the confusion of all those who separate themselves from her communion. During almost the first three centuries after Christ miraculous powers were manifested in the Church in an extraordinary manner. The Holy Ghost then descended on the faithful as He did on the Apostles on the day of Pentecost. Many persons received the gift of tongues and thousands of miraculous cures were performed. In the fourth century these extraordinary events partly ceased. The Holy Ghost no longer descended on

those who were confirmed, and the gift of tongues was no longer generally heard of. The necessity of religion required no longer the manifestation of these extraordinary favors and the fervor of the Christians in the first ages of the church was also passing away."

St. Augustine in his Book of Retractations speaks of the cessation of miracles and then adds: "But what I said is not to be so understood as if no miracles are to be believed in; and are not performed now in the name of Christ. For I, myself, when I wrote that book, knew of a blind man having received his sight in the city of Milan, in presence of the bodies of the Milanese Martyrs. Nay, such numbers of miracles are performed in our days, that I neither can know them all, and if I knew them, I could not enumerate them."

From this passage it is clear, that when the Holy Fathers speak of the cessation of miracles, they mean only the extraordinary graces given to the Christians in the early Church.

Dr. Middleton the great advocate of the cessation of miraculous powers after the Apostolic times makes this startling assertion. "As far as church historians can illustrate there is not a single point in all history so constantly and explicitly affirmed by them all, as the continual succession of those powers through all ages, from the earliest father who first mentioned them down to the time of the reformation." The only way that this writer can get over the difficulty which he himself stated, is to say "that all church historians are credulous fools or crafty knaves." If the primitive Fathers of Christianity were impostors, as Middleton says, on what authority are we to receive the Bible itself, since it is on their testimony we must rely in proving the authenticity of Holy Scripture?

If their testimony be not admitted, the Christian religion on Protestant principles falls to the ground, inasmuch as the Bible alone is their rule of faith. Most Protestant writers, however, admit that miraculous powers remained with the Christian church after Apostolic times, since these powers were necessary for the establishment and preservation of the faith. Now the same presumptive evidence may be brought forward to show that these same powers have continued to exist in the church in every age; for faith has always to be preserved and propagated. The reasons given for the cessation of miracles after the first four centuries are the same which are to be found in the first, second and third. If miracles are incredible in the fourth century, they are incredible in the first, and if testimony cannot be received for miracles in the fifth and sixth centuries,

neither can it be received for those in the first and second. We conclude with a passage from Prof. Schanz's essay on Miracles.

"It is as hopeless to try to disconnect the pure doctrine of Christianity from miracles and to purge religion of them as to represent the personality of Christ as purely human, and yet to hold fast to His divine origin. The miracle of Christianity is so intimately bound up with the person, doctrine and legislation of Jesus, that no sort of concession to rationalism will profit anything. The conditions of a miracle may be maximized as well as minimized. Both extremes are alike harmful.

Traditionalism, by postulating a deeper conception of historical certainty, almost swamps ideal certitude in historical Ontologism, and by setting metaphysical, moral and ideal certitude at the summit, all but abandons historical certitude to the mercy of the wind and waves. Not facts alone, nor ideas and speculations alone, can provide religious and philosophic thought with a safe basis. The Vatican Council teaches: If any one shall say that miracles are impossible, and therefore that all the accounts regarding them, even those contained in Holy Scripture, are to be dismissed as fabulous or mythical; or that miracles can never be known with certainty, and that the divine origin of Christianity cannot be proved by them: let him be anathema."

J. J. QUINN.

PSYCHOLOGICAL HEREDITY.

La Vie et l'Hérédité par P. Vallet, P. S. Paris: Victor Retaux et fils. 1891.

I.

"Heredity is that biological law by which all beings endowed with life tend to repeat themselves in their decendants; it is for the species what personal identity is for the individual. By it a groundwork remains unchanged amid incessant variation; by it Nature ever copies and imitates herself."[1] In this general statement the law is universal in the organic world. Like produces like. The truism holds for plant and animal, irrational and rational. In the case of

1 Ribot, Heredity, page 1.

man, continued inherited likeness extends to minutest details of external structure. "The Romans had their Nasones, Labeones, Buccones, Capitones and other names derived from hereditary peculiarities."[1] Internal conformation follows the same law. Characteristics general and special of the osseous, muscular, digestive, circulatory, nervous systems are transmitted from parent to child. Immunity from certain diseases, duration of life, peculiarities of voice, gesture —in a word, the generic, specific, and at least the naturally acquired individual qualities of the human organism come, more or less, all under the influence of heredity.[2] And so passing from the domain of physiology into that of psychology, we are prepared to find peculiarities of the psychic powers that depend subjectively and directly on the organism—qualities of sight, hearing, touch, taste, smell, of imagination, too, and of memory handed on by ancestry to posterity. Though there are depths of mystery—mystery on which science throws but little, and that unsteady, light, in the workings of the forces which this law regulates, yet the darkness here is not greater than it is in any other inner region of the living world. That tall oaks from little acorns grow, that a few, tiny grains produce this year's harvest, the counterpart of last year's, are marvels at which we wonder not, *assiduitate vilescunt*, as S. Augustine observes. But when we hold in mind the spirituality and origin by direct creation of the human soul, the marvel grows. We are not so prepared to find that dispositions of the intrinsically spiritual powers should be subject to heredity, that qualities of intellect and will should pass from parents to their offspring. In the materialistic view of human nature, in which the soul is, at best, but the inner side of the material phenomena, the outer side of which strikes our senses, it is but logical to hold that the "Ego, the person, the constitutive element of the individual are transmitted by heredity, just as the other modes of mental activity."[3] It does not concern us here to refute the premises, whereon this conclusion rests, but assuming it has proved that the human soul is an immaterial form, vitalizing the material organism and combining herewith to constitute the one complete

1 Ribot, l. c. page 2.

2 "Most of the children of talkative persons," says Dr. Lucas, "are chatterboxes from their cradles. Words—idealess, aimless, and unbridled—appear in them to be prompted by a sort of elastic spring, over which they have no control. We once saw at a friend's house a servant girl of irrepressible loquacity. She would talk to people, who could scarcely get in a word edge-wise; she would talk to dumb beasts and to inanimate things; she would talk aloud to herself. She had to be sent away. 'But,' said she to her employer, 'it is no fault of mine; it comes to me from my father, the same fault in him drove my mother distracted, and one of his brothers was like me.'" Ap. Ribot, page 6.

3 Ribot, l. c.

nature and person—man—we wish to look into the qualities of its purely spiritual energies and see how far they may be and are subject to heredity, and to note the agencies that modify them when transmitted.

II.

Starting from the facts of consciousness, we distinguish in the soul two supreme faculties, intellect and will—the powers of knowing and willing the supersensible. Fixing our reflexion on the intellect we discern there a number of qualities which in their germinal state we may call dispositions, in their developed condition, habits. The first of these is what the scholastics call the habit of intelligence in regard to speculative, *synteresis*, in regard to moral truths —the habit of first principles—a quality whereby the intellect perceives immediately evident truths. The second is science, or the habit engendered in the intellect by the exercise of its act of demonstration. Wisdom, the third habit, is the perfection of the scientific habit, developed by discursive penetration into things in their ultimate causes. Art, the fourth habit, perfects the intellect in the ready vision of means conducive to the construction of external works ; while prudence, the last mental virtue or habit, perfects its subject in the determination of the particular objects whereon the will shall exert its act of choice. Prudence, though subjected in the intellect, sends its influence over on the will.

Turning next to the will, we find it when its energy is developed aright under the guidance of intellective prudence; but itself, the resting place of justice, which gives steadiness to its action in choosing what is due to other persons ; of temperance, which strengthens it in ruling the concupiscible, and of fortitude, which makes it firm in governing the irascible passions.

In a word, therefore, reflection on our psychic acts and states shows that our intellect is, or may be, the subject of the speculative dispositions, or virtues ; intelligence, science, wisdom, art, prudence. Our wills the subject of the moral or cardinal virtues. Now, to what extent may these immaterial qualities come under the law of heredity? Intelligence, the intuitive quality of the understanding being as it is an affection of a purely spiritual faculty, can as such no more be inherited than the soul itself, with its intellective faculty. The intuition of the truth, for instance, that "the whole is greater than any of its parts," is due to a radical, essential state of the intellect, connotes, therefore, in case the meaning of the

terms is apprehended, a property found equally in every human being, and can never be an accidental quality which might have been derived from ancestry. Nevertheless, it is plain that even this natural state of the spiritual power may be strengthened, widened in individuals, and its increased perfection be a legacy to posterity. The perception of what is a whole, what a part, is conditioned by ideas formed by the abstractive intellect from the *phantasmata* of sensible things. Now, the faculty which forms the phantasms, the imagination, is an organic power directly and subjectively dependent on a portion of the brain. Cerebral qualities, however, are influenced by heredity. So, too, therefore, may be those of imagination, and, consequently, indirectly, through increased perfection, or the opposite, of brain and imagination, a greater, or less, range of intuitive power may be received by posterity from their ancestry.[1]

The same theory lends itself to heredity in the order of science. The tendency to scientific knowledge is native in every mind. *Omnis homo naturâ scire desiderat*, like every other truism, expresses a deep thought. But the development of the inborn capacity, the drawing out of the mind's native gravitation, depends on exercise, on action in definite lines. These lines terminate at large groupings, or generalizations of objects. These objects, under the abstractive light of the intellect, fall into three grand divisions—the physical, mathematical, metaphysical—according as they rise above the conditions of matter, and so stand in proportion to the immaterial faculty, with its spontaneous proneness to penetrate into their reasons, causes, principles. The physical group of objects purified by the mind's light of their singularity, retain simply the universalized qualities of matter. The mathematical presents to the mind merely the quantative properties of material things, whilst the metaphysical includes the range of purely immaterial entities, or spirit, together with those transcendental and supremely generic aspects of

1 All this is admirably summarized by St. Thomas in his questions on *Habits*. "Habits," he says, "follows the nature of the species and of the individual. * * * *Sed nullo modo contingit in hominibus esse habitus naturales, ita quod sint totaliter a natura.* In the apprehensive powers there may be *inchoate* habits, following both the specific and the individual nature. Following the *specific nature, exparte ipsius amenæ*, as the *intelligence of principles*, is called a *natural habit;* for, by virtue of his intellectual soul, man as he apprehends what is *a whole*, and what, *a part*, immediately perceives that *every whole is greater than any of its parts*, etc. But *what is a whole*, and *what, a part, cognoscere non potest nisi per species intelligibiles a phantasmatibus abstractas.* And, therefore, the *Philosopher* shows that knowledge of principles comes to us through the senses. Following the individual nature there is a cognitive habit *secundum inchoationem naturalem*, in as much as one man by reason of his organic disposition *est magis aptus ad bene intelligendum quam alius, in quantum ad operationem intellectus, indigenius virtutibus sensitivis.* S. T., 1. 2, q. II, a I.

being which are common alike to matter and spirit, and so prescind from all material conditions, such as substance, accident, etc. The intellect, with its discursive energy, bent on these three generalizations of its objects, develops within itself the corresponding habits, physical, mathematical and metaphysical science, with their subaltern mental states.

Now it is obvious that these perfections, conditioned as they are in their acquirement and use by the imagination with its organic instrument, the brain, come under the law of heredity in the same way as does the native intuitive habit. *A priori*, therefore, we should look for physical and mathematical science, which are more directly dependent on cerebral conditions than is metaphysical, coming more generally under the influence of heredity. Such too is, in fact, the case. "Families eminent in science are not rare. Many scientific men take after their fathers. The atmosphere of free inquiry in which they were brought up has not been without influence on their vocation. Still, education does not constitute genius; and in order to have a turn for scientific investigation, something more is required than the external transmission resulting from education. It has also been observed that the mothers or grandmothers of several men of science were remarkable women, as in the case of Buffon, Bacon, Condorcet, Cuvier, d'Alembert, Forbes, Watt, Jussien, etc. *Heredity among philosophers is somewhat rare.*"[1] We do not think M. Ribot has given the root cause of this latter phenomenon when he adds that "few philosophers have left any posterity." We believe the reason lies deeper in the nature of the philosophical habit itself, as farthest removed from material conditions. "The law of heredity," says Fr. Vallet, "is applicable with less rigor as we rise higher in the scale of mental faculties."[2] An illustration of this statement is found in the fact that the highest state of the highest mental faculty—genius—is not transmitted. Materialism strives to account for this fact by "the complexity of genius," its dependance "on a very unstable equilibrium of ceretral faculties," etc. As Fr. Vallet remarks, "we readily admit that genius is a very complex thing, and consequently of very difficult realization. It is claimed that it supposes a marvelous equilibrium of various faculties. This too we concede, at least to some degree. But we hold that its transmission is not only exceedingly rare, but that we have not one precise instance of such transmission. And this depends not on the fact that this intellectual superiority 'is due to a very unstable equi-

1 Ribot, l. c., p. 72. 2 P. 286.

librium of cerebral faculties the most humble and the most exalted,' but on the contrary, on the fact that genius is not a cerebral thing at all, but a thing immaterial—which the organism can second, but not beget. It is talent much more than genius that results from an equilibrium and harmony of various faculties. But outside of that perfect poise, genius is possible, provided the master power, intelligence, attains at least one phase of its ideal perfection. We distinguish poetical, musical, scientific, metaphysieal, military genius, but all these superiorities are never found in the same man, however happily gifted we may suppose him to be."[1]

The metaphysical habit is wisdom, taken as a purely speculative and natural endowment, the third intellectual habit ;[2] we need add nothing more as to the bearing of heredity on this perfection.

The fourth habit, art, is so intimately involved in the organic faculties, the senses, the imagination, and the motive powers, that we naturally expect it to be transmitted, and to find that poetry, music, painting, sculpture run in families. But here, too, as in science, we find that the application of the law is conditioned by the immaterial sphere of the art. "Families of poets are extremely rare, and here is the reason. A man cannot be a musician without an exquisite sensibility of ear, nor a painter without an innate gift of colors and forms, which supposes a certain conformation of the visual organ. Poetry does not require to the same degree such physico-psychic dispositions, but it supposes an ideal more elevated, more immaterial, and consequently, a greater soul, a more lofty intelligence. For this double reason heredity has much less influence on poetry than on the other arts."[3]

Turning now to the perfections of the other spiritual faculty, the will—to the moral virtues—we find them more subject to hereditary influences than the dispositions of the intellect. "According to my observations and reflections," says DeCandolle, "hereditary transmission is more apparent in moral than in intellectual matters."[4] This is due to the fact that in man the affections of the will are more closely dependent on organic conditions than are the actions of the intellect. The movements of the sensitive appetites, the passions, are immediately dependent on the nervous system, and thus at least mediately, but at the same time intimately, connected with the action of the heart. Physiological states, therefore, are favorable to the

1 Page 297.
2 Being merely the highest perfection of the scientific habit.
3 Vallet. p. 293.
4 Apud Vallet, p. 202.

excitation or repression of movement of the passions. But the passions act and react incessantly on the will. The genesis of dispositions or habits in the latter faculty is consequently in large measure conditioned by states of the organism, and thus tendencies of the will pass indirectly under the law of heredity.

In reading the lives of the Saints we are struck by the almost constant fact that at least ninety-nine out of every hundred of these divine heroes were born of pious parents. Sanctity, of course, is not a natural endowment. The stream rises not above its source. Nature can give no grace. Holiness is the formal work of grace. Still grace supposes nature—the natural conditions favorable to its action. These conditions are frequently inherited and thereafter nurtured by education. What is true regarding the transmission of good qualities is unfortunately only too strongly confirmed by experience in regard to that of evil tendencies. We need not run over the dismal list of vices to see how each of them infects the stream of humanity, and like diseases in the body, saps the moral life of generations. Statistics and works like M. Ribot's contain full details of the sad story.

It would be interesting here to trace the facts of psychological heredity to its radical principal which lies in the union of the soul as substantial form with the body as its material subject, or to follow the complexities and singularties of the law in its different realms, to study its relation to free will evolution, etc. All this and much more that is useful the reader will find in Fr. Vallet's chapters. We shall content ourselves here with noting something on the modifications of heredity by environment and education.

The human organism is being incessantly influenced one way or another by food, air, climate, heat, cold, light, electricity, etc. How far these agencies favor or impede the transmission of physical and psychic qualities, who can tell? Doubtless heredity is preponderant. It acts from within and radically; environment from without and accidentally. "Heredity influences the organism necessarily, as the force of gravitation draws bodies of necessity towards the centre of the earth, so that if nothing interferes the effect will follow infallibly. Environment, in certain circumstances, may produce no real change at all, and it is conceivable that an organism be preserved from all abnormal influence."[1] In general we may say that heredity and environment are as two component forces. What the resultant will be we may experience, but the value of each

1 Vallet, p. 341.

component we are unable to measure. The flexibility, however, of the former is evident even in regard to organic peculiarities. Fr. Vallet gives us a typical illustration: "A very interesting work," he says, "has been recently founded at Argelès by the widow of Dr. Douillard, under the direction of a number of physicians of the Paris hospitals. There are in the institution twenty young girls, all born of consumptive parents, one or both of whom had died of phtisis. These children were chosen when already ill, and showed most unequivocal signs of the disease whereof their parents had died. For the past ten years during which the institution has existed *not one child* has succumbed to that disease. Such is the power of proper hygiene, supplemented when needed by medicines, in combatting the most powerful hereditary influence[1] known to physicians."[2]

We may argue in the same vein as to the value of education. "In our day," says M. Guyan, "since the researches made on heredity, we hear the most contradictory assertions. Many scientists and philosophers are now persuaded that education is radically powerless in profoundly modifying the temperament and racial qualities of an individual. Man, they hold, is born a criminal as he is born a poet. Between the power attributed by some thinkers to education, and by others to heredity, there exists an antinomy which is felt throughout all moral science."[3] "Some," says M. Ribot, "such as Lamarck and his daring predecessors—have attributed so much to the influence of the physical environment, as to make it simply a creator; and so great power has often been attributed to education, that the individual character would be its work, to the exclusion of all native energy. Thus the expression of Leibnitz was bold: 'Entrust me with education and in less than a century I will change the face of Europe.' Descartes, too, attributing to his method what was the fruit of his genius, goes so far as to say that 'sound understanding (*bons seus*) is the most widely diffused thing in the world and all differences between mind and mind spring from the fact that we conduct our thoughts over different routes.' The sensist school, in its abhorrence for everything innate, has exaggerated even this view. According to Locke 'out of one hundred men more than ninety are good or bad, useful or harmful to society, owing to the education they have received.' Helvetius, carrying this view to its extreme, holds that 'all men are born with equal faculties, and that education alone produces a difference between them.'"[4]

1 It is not certain, we know, that phthisis itself is inherited. But the disposition thereto is transmitted.

2 p. 367. 3 Education et Heredité, ap. Vallet p. 343. 4 Ribot, page 347.

The truth here, as often elsewhere, lies midway between extremes. The child is neither an aggregate of transmitted qualities, nor the outcome of developed properties. It is in the hands of parents and other early teachers, endowed with no definite habit of mind or will, but it has the organic conditions favorable for the unfolding of the germs of virtue or of vice—germs which, through the medium of its body, may be said to exist in the tendencies of its psychic powers. The development of these germs, the drawing out of these tendencies, is in great part the work of early tutors. "The child," says Fr. Vallet, "is not as Plato imagined, a miniature man endowed with general ideas and generous sentiments, which only require to manifest themselves and which it suffices to arouse. There are in the child neither innate knowledge nor sentiments of any kind, but merely *faculties* and *aptitudes*. And these faculties and aptitudes do not pass by their own native energy from potency to act; exterior agents must come and arouse them, education above all must come to animate them, direct them, trace their paths, now urge them onward, again restrain them and prevent their going astray. Behold the general law established by the author of nature: here below, the different orders of beings must keep increasing mutual relations with one another, and it belongs to the superior to come to the aid of the inferior, by communicating to the latter something of their superabundance.

On the other hand, the soul of the child is as plastic as its body; its tendencies have no consistence, no firmness, and scarcely one the power of resistance; nothing is more easy than to combat them, arrest their development, and even to substitute for them contrary tendencies. The poet has said of the youth *Cereus in vitium flecti.* Of wax, indeed, whereof one can form what he will, good or evil—'*potest ommia fieri.*' Thoughts, sentiments, direction—the child has to receive all from those who surround it; their look, their words, the tone of voice, their example—these form its book and its code. All these things make a lively impression on its senses; it believes in them all with entire confidence; and thence it receives the ideas, the passions and often the prejudices which will be its motives, perhaps throughout its entire life. The words of the poet express a great law of human life:

'Quo semel est imbuta recens, servabit ordorem
Testa diu.'

Few men, if any, have the occasion or the leisure to revert to their primitive ideas, to control or ratify them; and amongst those

whom circumstances lead thus to revert, a very small number succeed in divesting themselves of those ideas or in modifying them in their essential lines. For those early impressions have become in the lapse of time habits, then instincts, then a second nature, whereof may be said as of the first :

'Naturam furcâ expelles, tamen usque recurret.' "[1]

Whilst education must always be more or less conditioned by the native powers of its subject, yet, when rightly conducted, its influence may extend not merely to the development of those powers, but, as was said above, to implanting in them quite contrary tendencies. No faculty, of course, can be carried outside the range of its *formal* object. The eye can never be made to hear, nor the ear to see. But the reach of their *material* objects is large enough to allow the training of human faculties in contrary directions. The evil tree of itself can produce no good fruit ; but engrafted with vigorous shoots its radical defects may be corrected. So, too, education, by acting aright and steadily on the mind and heart of the child, may convert its natural inclinations from evil to good, as it may, with sadly greater facility, turn them from good to evil.

Nor is the influence of education in modifying hereditary dispositions restricted to childhood. It remains to some extent throughout life, for man in his social environment is ever under influences more or less formative, in proportion as his will is open to their reception. "One of the traits," Fr. Vallet happily observes, "which distinguish man from the brute, and civilized man from the savage, is that his intelligence remains longer capable of new acquirements. It does not close upon its attainments as do certain flowers on the insects which light upon them."[2]

Still, the influence of education is as that of physical environment; it modifies, it cannot create. The main cause of character will always remain at the root in the individual—his native, inherited endowments.

We think, however, that M. Ribot minimizes over much the value of education. "We restrict it," he says, "within its just limits, when we say that its power is *never* absolute, and that it exerts no efficacious action except on mediocre natures.[3] If nature has sown her seed sparsely and on poor soil, no amount of culture can produce an abundant harvest. Still, the influence of right edu-

1 Vallet, p. 346.
2 P. 335.
3 l. c., p. 349.

cation will be appreciable even in the slightly endowed character, for here, unlike in earth's culture, mind and heart can be brought to second the fostering work. On the other hand, where nature has sown more generously on soil prepared, there is all the more reason to expect large results!" "We see very well," says M. Guyan, "why an idiot is susceptible of slight education, but we do not see why the great natural qualities of genius should not be accessible to education. The more *intelligent* one is by nature, the more is he capable of learning and of becoming a *scholar* by education. The more *generous* one is by nature, the more capable is he of becoming *heroic* by education, etc. Perfection already gained is a condition for acquiring more. * * * * We think, therefore, that genius realizes at once the maximum of hereditary and of educationary influence.[1]

Failure in developing endowments in less gifted individuals is often due to defective method. The very fact that heredity plays so prominent a part in the formation of character, shows the necessity of educators studying the native peculiarities of each of their pupils, so as to adapt their methods of unfolding nature's gifts in due proportion. Education is an art, and as such can perfect nature only when it takes hold of the inborn powers and whilst eliminating their defects draws out their right energy in harmony with their natural origin.

F. P. SIEGFRIED.

THE "STATIO" IN THE TITLES OF THE MASS—FORMULARY.

IN the "Proprium de Tempore" of the Roman Missal, the title *Statio* together with the name of some Saint or Saints, is frequently prefixed to the "Introit" of the Mass. Thus on Ash-Wednesday we read *Statio ad Sanctam Sabinam*; on the following Friday we have *Statio ad SS. Joannem et Paulum.* It will be interesting to inquire into the significance of these titles, whose origin dates far back to the early days of the Christian Liturgy.

In ecclesiastical literature, we meet the word *Statio* under various meanings. It often stands for *jejunium* or fasting in general. Thus Rabanus Maurus observes[2] "*Jejunium et Statio dicitur.*" More

1 Apud Vallet. p. 349.

2 *De Clericorum Institutione*, Lib. II, c. 18, Migne, Patr. Lat. Paris, 1864, 40.

frequently, however, *jejunium* signified a fast which individuals imposed upon themselves as a work of supererogation, *Statio*, on the other hand, such as were ordered by the Church to be observed, namely: Wednesday and Friday[1] of each week, the Ember weeks and the fast of Lent. Probably the latter fast was called *Statio* because it was kept on fixed days, *Statis diebus*, although St. Ambrose gives another account of the origin of this term. "Our encampments," he says, "are our fasts, which defend us against the devil's attacks; in short, they are called *Stationes*, because standing, *stantes*, and staying in them we repel the insidious attacks of our enemies,"[2] thereby implying that its signification is derived from the military sense of the word, as St. Isidore assures us to have been the case, "*Statio autem de militari exemplo nomen accepit.*"[3]

This word, however, more commonly signified certain days on which the faithful assembled for divine worship in certain fixed places. During the times of persecution for the first two centuries, the Christians met in previously appointed places or stations for the celebration of the sacred mysteries on Sundays. Not long afterwards, when there was less need of secrecy in common worship, we find the Church observing the custom of meeting for solemn service on Wednesdays and Fridays, on the vigils of the more solemn festivals, the anniversaries of the Martyrs, and during the forty days of Lent. These being fast-days the ceremonies continued until the hour of *None*, at which hour the fast might be broken, and hence the expression *stationem solvere* was equivalent to *jejunium solvere.* Later the greater festivals and the fifty days between Easter and Whitsuntide, which were kept as a continuous feast, were added.

In the days of persecution these meetings were held in the Catacombs near the tombs of the Martyrs. They consisted probably in the reading of portions of Sacred Scripture, prayer, preaching and communion, as St. Justin gives us to understand.[4] In the beginning of the fourth century, when peace was granted to the Church by Constantine, these conventions began to be held publicly and were surrounded with greater pomp and magnificent ceremonies. Anastasius, the Librarian, relates that St. Hilary, who ascended the pon-

1 Because on these days respectively the betrayal of Christ was planned and the Crucifixion was accomplished.

2 *Sermo XXI. De Sancta Quadrag. V. Opera St. Ambrosii*, Studio Cong. S. Mauri, Venetiis, Albrizzi, 1751, vol. IV. p. 518.

3 *Lib. VI. Originum, cap. XIX Opera, Parisiis, Sonnius, 1601, p. 83.*

4 *Apologia I pro Christianis, Migne, Patr. Graeca, Parisiis*, 1884, Vol. VI. col. 430.

tifical chair in 461, appointed clerics to assist at the Holy Sacrifice in the churches in which the *Stationes* were celebrated.[1]

To St. Gregory I, in 590 must be given the honor of having firmly established them. He reduced them to a fixed number, regulated the ceremonies to be observed, appointed the days and the Churches in which they were to be held, assigned the places at which the people and clergy assembled and from which they processionally proceeded to the *Stations*, granted certain indulgences to all who would participate, and ordered them to be noted at the beginning of the Masses in the Roman Missal.[2]

The ceremonies observed were as follows: The clergy and laity assembled in a Church near the *Station* to receive the Pontiff. After his arrival he recited a prayer called the *Collect.* Then the cross-bearer followed by the laity, clergy according to rank and the Pontiff barefooted, reciting prayers or singing psalms, in solemn procession wended their way to the *Stationary* Church. Having arrived at the Church the women and men separated and occupied distinct places. The litany was then chanted and the cross placed near the altar. The Pontiff was received at the door of the Church by the Cardinal Titular and his clergy and incensed, and was then led to the sacristy, where the washing of the feet took place. When all was prepared mass was celebrated by the Pontiff or another, and after the Gospel a homily was preached.[3] After Communion a sub-deacon, holding a chalice, published from the corner of the altar, the place of assembly and of the *Station* for the following day with this formula: *Crastina die veniente statio erit in Ecclesia Sancti* (*Sanctæ*) *N*, and the choir answered *Deo Gratias.* After the Holy Sacrifice one of the acolytes dipped a wick in the oil of the Altar-lamp and, having cleaned it, presented it to the Pontiff to be blessed, saying *Jube Domne benedicere.* The Pontiff having blessed and kissed it gave it to his chamberlain, who preserved these wicks until the death of the Pontiff and made with them a pillow to be placed under the head of the Pontiff in his coffin. After the Pontiff

1 *In urbe Roma constituit ministeriales qui circuirent constitutas stationes.* Migne, Patr. Lat. Paris, 1880, Vol. 128, p. 350. Although there is a difference of opinion concerning the meaning of the word *ministeriales*, some supposing it to have reference to *clerics*, others to *chalices* used on these occasions, yet the passage sufficiently demonstrates that this Pontiff made certain regulations for the solemn observance of these ceremonies.

2 The Churches assigned by St. Gregory I, were the five Patriarchal Basilicas, viz.: St. John Lateran's, St. Peter's, St. Paul's, St. Mary Major's and St. Lawrence's, the cardinalitial titular churches, and several others.

3 Often by the Pontiff himself. We have many delivered on these occasions by St. Leo I, and St. Gregory I.

blessed the wick the acolyte sang, *Hodie fuit statio ad Sanctum, (Sanctam) N., qui (quæ) salutat te,* to which the Pontiff answered *Deo Gratias.* The people and clergy were then dismissed.

We find many ceremonies in the Ritual of to-day, which seem to have derived their origin from these assemblies. Thus the oration recited at the beginning of Mass is called the *Collect,* because in it the priest prays for the welfare of the assembled Congregation. In Catholic countries, and even in some places of our own country, it is still customary to separate the women from the men during divine worship. The custom of receiving ecclesiastical dignitaries, and especially Cardinals in their titulary churches, at the door is still observed. The people place unbounded confidence in the curative power of the oil taken from lamps that burn before the altars of Our Lady and the Saints. On the fourth Sunday of Lent the *Station* was celebrated in the church of the Holy Cross, at which solemnity the Golden Rose was blessed, which is yearly done even to this day. On the Saturday of Easter Week the wax, of which the *Agnus Deis* are made, was blessed at St. John Lateran's, at which the *Station* was celebrated on that day. The same ceremony is performed the first year of a new Pontiff's reign, and every succeeding seventh year, on that day.

These regular solemn processions to the *stationary* churches went into disuse towards the XIV. Century, owing probably to the transfer of the Pope to Avignon. But, although the grand ceremonies were discontinued, or at least only rarely performed, the custom of celebrating them, of visiting the churches and gaining the indulgences, which, together with counteracting the idolatrous practices of the pagans, seemed to be the principal object of their institution, is still in vogue.

With regard to the churches and the days assigned for their celebration, those ordered by St. Gregory I are still in use with few exceptions. Formerly only one church was assigned to any particular day, but at present we find two[1] and at times three churches,[2] enjoying this privilege on the same day, although only one is noted in the Roman Missal for each day. To gain the indulgence it is sufficient to visit one of these churches. There are one hundred and one *Stationary* churches in Rome, assigned to

1 On Ash-Wednesday the *Statio* is at St. Sabina's and at St. Mary's *in Cosmedin;* on the following day at St. George's and at the Gesu Maria *al Corso.*

2 On the Saturday before the fourth Sunday in Lent the *Statio* is at St. Cajus', St. Susanna's, and at St. Mary's *degli Angeli.*

eighty-four days.[1] There are probably few devotions to which the Roman Pontiffs have granted so many and great indulgences as to this, and in consequence on those days the *Stationary* churches are much frequented by the Romans.

The word *Statio* is used also to signify a church, oratory or other place at which processions make a halt, and hence the processions themselves were often called *Stationes*. By the same name are also designated the pictures representing passages from the Sacred Passion before which the Catholic people are wont to meditate, as likewise the churches in which certain courses of sermons are delivered by specially appointed preachers.

S. L. E.

1 Circumcision, Epiphany, Septuagesima, Quinquagesima, every day from Ash-Wednesday to Low Sunday, St. Mark, Rogation days, Ascension, from the Vigil of Pentecost to Saturday before Trinity Sunday, four Sundays of Advent, from the Vigil of Christmas to the feast of the Holy Innocents and Wednesday, Friday and Saturday of the Ember Weeks.

ANALECTA.

DUBIA CIRCA FACULTATES EPISCOPIS STATUUM FOED. AMERIC. CONCESSAS.*

S. CONGREGAZIONE DI PROPAGANDA,
SEGRETERIA.

Roma, li 24 Luglio, 1884.

No. 3081.

Oggetto: Trasmissione di risoluzioni.

Illme ac Rme Domine.

Dubia ab Amplitudine Tua proposita circa facultates Formularum quibus fruuntur Episcopi Foederatorum Statuum Americae communicavi Congregationi S. O. Nunc antem Tibi responsiones remitto, quas Emi Inquisitores dubiis propositis dederunt.

Interim Deum precor ut Te diutissime sospitet.

A. T.,
Uti Frater addictissimus,
JOANNES CARD. SIMEONI, *Praef.*

R. P. D. Tobiae Mullen,
Epo Erien.

Pro. R. P. D., *Secretario,*
Antitghardi, O. P.

DUBIA.

Circa facultates Formularum, quæ Episcopis Foed. Stat. Amer. Sept. conceduntur.

I. Facultatum formula I, sub no. 1 tribuitur potestas conferendi ordines extra tempora. Ad dubium vero ab Archiep. Quebecensi propositum, "an quum conferuntur Ordines sacri extra tempora omnino legendum sit Breve Apostolicum facultatem hanc tribuens"? S. Rituum Congtio, die 23 Maii 1835, respondit: "Ad 5. Affirmative juxta Pontificale Romanum." Pontificale Romanum autem, juxta quod affirmativum dubio datur responsum, hæc habet: "legitur mandatum Apostolicum, sive supplicatio, cujus vigore Pontifici facultas conceditur ordinandi." Præterea in dubio proposito sermo est de Brevi Apostolico. Quæro num verba Pontificalis, *juxta quod* Responsio datur, et verba "Breve Apostolicum," quæ occurrunt in dubio,

* The text of this *Dubium* as addressed to the Archbishop of Quebec has been inserted in the "Commentarium" of P. Konings, App. B.

afficiant facultatem Episcoporum harum Provinciarum, quæ nec ad eorum supplicationem, neque in forma Brevis Apostolici concessa fuit?

II. Ejusdem Formulæ I. no. 6 facultatem tribuit dispensandi in quibusdam consanguinitatis *et* affinitatis gradibus. Dubitatur num particula *et* copulative an disjunctive intelligenda sit?

III. Eodum no. 6 datur facultas dispensandi super quibusdam gradibus consanguinitatis et affinitatis cum his qui ab heresi convertuntur ad fidem Catholicam. Quæro num *vi hujus* facultatis etiam potestas detur: *a*, quod matrimonia post unius conversionem invalide ob prædicta impedimenta contracta: *b*, quoad matrimonia mixta olim invalide contracta, licet pars hæretica nunc sit conversa.

IV. Eodum no. 6 facultas datur dispensandi cum his qui ab infidelitate convertuntur. Infidelis autem legibus ecclesiasticis non subjiciuntur. Hinc facultas frustanea esset casu quo duo infideles in gradibus pro quibus hoc num datur facultas, contraxissent et uterque vel alteruter ad fidem converteretur. Quæro igitur, *a*, num ex hoc numero detur facultas dispensandi cum infideli converso, qui ante conversionem cum parte acatholica baptizata in præfatis gradibus contraxit, et num requiratur ut hæc etiam pars acatholica conversa sit: *b*, num detur ex hoc eodem numero facultas cum infideli converso, qui ante conversionem cum parte acatholica in præfatis gradibus contraxit?

V. An no. 9 Formulæ I. de cognatione spirituali orta ex baptismo tantum intelligendus; an vero etiam de eadem cognatione orta ex confirmatione?

VI. An facultates Formularum, quibus datur potestas dispensandi in impedimentis matimonialibus, valeant etiam quando agitur de matrimonio nulliter contracto, utraque parte, dum contrahebatur, nullitatis conscia? Dubitari de facultate haud posse credo quoad No. 6 Form. I., aut quoad Facultates extraordinarias D et E; nam in his facultatibus potestas datur legitimandi prolem; quæ potestas manifeste supponit matrimonium nulliter initum utraque parte nullitatis conscia: proles enim suscepta ex matrimonio invalido sed cum scientia nullitatis ex altera tantum parte inito, illegitima non est. Dubium igitur vertitur circa num. 7, 8, 9, Form I. in quibus non conceditur facultas legitimandi prolem. Cum res controvertatur inter Doctores, quæro num tuta conscientia utramvis sententiam sequi liceat?

VII. An facultas sub. no. 14 Form. I. communicari potest ab Episcopo sacerdotibus in sua diœcesi laborantibus?

VIII. Quid intelligitur per "Rosarium" in No. 26 Form. I? An Rosarium quindecim, an vero etiam quinque decadum, et an aliæ preces, de quibus in eodem num quantitate moraliter æquivalere debent rosario?

IX. An altare quod ab Episcopo vi no. 8 facultatum extraordinariarum C privilegiatum declarari potest, censendum sit privilegiatum perpetuum? Sunt qui existimant Episcopum altare privilegiare non posse ultra terminum facultatum: quo certe casu Episcopi nostri sæpe minus possent quam Episcopi in Europa, qui si altare aliquod privilegiatum declarant, privilegium altari ad septennium communicant. Alii vero opinantur, Episcopi quidem facultatem declarandi altare privilegiatum expirare cum ipsis facultatibus extraordinarius C.; altari autem designato ab ipso indulgentiam communicari in perpetuum, quemadmodum ex. gr. confraternitatibus ab eo ac

coronis ab eo benedictis, vi no. 9 earumdem facultatum in perpetuum communicantur indulgentiæ.

X. Posito quod Episcopo anno 1883 ad triennium data fuerit potestas utendi facultatibus, quibus *gaudet* dispensandi super impedimentis matrimonii, quando hæc impedimenta cumulantur. Facultates decennales, vel quinquennales, vi quarum in impedimentis matrimonii dispensare potest, expirabunt anno 1884. Quæritur num prorogatis ad iliud decennium vel quinquennium facultatibus, per biennium etiamnum uti valeat facultate anno 1883 sibi data? Sunt qui negent, cum, *juxta litteram*, potestas triennalis dispensandi in cumulatis impedimentis valeat tantum pro usu facultatem quibus *gaudet*; *i. e.*, pro usu earum, quibus anno 1883 gaudebat, non pro usu earum, quibus iterum anno 1884 gaudebit. Alii vero putant hanc interpretationem nimis litteralem esse, seu minus consentaneam menti S. Sedis, quæ facultatem dispensandi in cumulatis valere voluit ad triennium.

FERIA IV. DIE 2 JULII, 1884.

In Congregatione Generali habita coram Emis ac Rmis DD. S. R. E. Card. Inquisitoribus Generalibus perpensis suprascriptis dubiis ab R. P. D. Episcopo Eriensi propositis, praehabitoque Rmorum Consultorum suffragio, iidem Emi. ac Rmi. DD. Cardinales decreverunt.

AD 1*m*.

Negative.——

AD 2*m*.

Verba formulae ita accipienda esse, ut facultas concessa intelligatur dispensandi tam ab impedimento consanguinitatis, quam ab impedimento affinitatis sejunctim tamen non vero quando utrumque impedimentum in uno eodemque casu concurrunt.

AD 3*m* ET 4*m*.

Affirmative ad utrumque.

AD 5*m*.

Oriri tum ex Baptismo tum ex Confirmatione.

AD 6*m*.

Facultates de quibus agitur valere etiam quando utraque pars conscia est nullitatis matrimonii jam initi.

AD 7*m*.

Posse.——

AD 8*m*.

Intelligi integrum rosarium, sed relinqui prudenti arbitrio et conscientiæ Episcopi, attentis peculiaribus personarum circumstantiis, commutationem in tertiam partem, aut in preces tertiæ parti respondentes.

AD 9*m* ET 10*m*.

Affirmative.——

Eadem die ac feria

SS mus resolutiones Emorum P. P. confirmavit,

Pro. D. Juvenali Pelami S. R. U. I. Not.

L. † S. Gustavus Persiani Subs.

BOOK REVIEW.

MEDIEVAL AND MODERN COSMOLOGY. By Rev. John Gmeiner. St. Paul, Minn.—Milwaukee: Hoffman Bros. Co., 1891.

It is some months since we received this pamphlet of 55 pages; but owing to our custom of presenting to the readers of the REVIEW, simultaneously with any important criticism of new books, one or more papers which would be apt to throw some *positive* light on the topics contained in such publications, we had to defer a notice of this brochure until the present.

A *Censor librorum* might have had some difficulty in pointing out errors against faith or morals in this production from the pen of one otherwise favorably known as a writer on subjects of popular science, but we doubt whether the S. Congregation would endorse in this case the publisher's claim, written on the title page, to represent the "Printers of the Holy Apostolic See." It was possibly on the ground of this approbation that some of our American Catholic periodicals lauded the work and generously recommended it to our young students, a well-meant effort and harmless enough if it could be presumed that the students would read no more of the book than did these reviewers or publishers who found room for its praises.

The opening passage of the pamphlet contains a reference to the Encyclical "Aeterni Patris" of Leo XIII. and to St. Thomas. A cursory glance at the occasional references to the champions of the "modernist" doctrine and the flippant and incautious language in which the old scholastic writers are referred to, would of itself be apt to arouse the suspicions of any serious student of cosmology, whether ancient or modern. Scientists may sneer at Christian philosophy because, whilst well schooled in experimental science, they may know nothing beyond it; a Christian philosopher, too, may oppose the scholastic tenets on many points; but no man who knows anything of the Thomistic school will speak of it with disdain or undervalue its importance, whether as a system of mind-training or as an armory for the defense of fundamental truth or as a touchstone for the discovery of error. Indeed, we cannot convince ourselves that Fr. Gmeiner has been true to himself. He has shown better knowledge elsewhere, and it is difficult to resist the temptation of looking on this pamphlet as one of those publications in which one man's name is meant to do service for another man's aim. However, of this the reader will judge. To avoid all ambiguity we shall let Fr. Gmeiner contradict his own statements by contrasting his views in 1884 with those exhibited in 1891. If it be objected that six years are enough to allow for a change of views in favor of modern progress, we answer that, although this would not, of itself, prove the change to have been for the better, we would accept the position if the author himself did. It would leave him the credit of sincerity which we must respect; but there is no

account given of, or apology for such a metamorphosis. On the contrary, we find the book of 1884 prominently advertised, both in front of the title page and at the end of the present work, as a "Popular Defense of Christian Doctrines." If the one book be a defense, the other must be an offense.

The pivotal point upon which the difference of modern cosmology from the scholastic system turns, is the *Constitution of Bodies*. Here we have the Thomistic as opposed to the Atomic theory. Father Gmeiner holds that the cosmological theories of the scholastics are "antiquated," which would be no great harm if it referred only to their age, seeing that the same could be said in the days of Horace, regarding virtue and old fashioned honesty. But when we are told that the mediæval philosophical formulas are "worse than useless husks" (page 54), we feel quite sure that our author could not have expressed himself to that effect before, and turning, quite at random, to the chapter on biology in a former book by him we find him extol that same mediæval system, assuring us that on this point (the doctrine of matter and life), modern science is "not a step ahead of Christian Philosophy as taught in the days of St. Thomas Aquinas." (Cf. Modern Scientific Views and Christian Doctrines Compared. Page 99.) And he gives us the reason why it cannot be otherwise. Modern science is, he tells us, unable to define what is matter, what is force, what is life, sensation, intelligence, will. "The answer of Modern Science to these questions is contained in the words of DuBois Reymond: Ignoramus—ignorabimus; we know not—and in this life never shall know;—and yet all phenomena of the visible world have their source in matter, life, sensation, etc."— (l. c. p. 94.)

In his last work the author strongly objects to the scholastic distinction of *first matter* and *substantial form*, and he cites Catholic writers who have manifested a similar objection, although since the revival of Thomistic studies these have mostly retired from the field of controversy, and their text-books are no longer in general use. It is somewhat surprising, therefore, to have Fr. Gmeiner champion a view which has, so to say, been discarded by the abler Catholic philosophers of recent days, especially since in his former book he apparently teaches the opposite doctrine when he says in reference to corporeal beings: "in all we find two distinct yet intimately united principles of their being—a material and an immaterial one. The former is called by Christian philosophy *materia* or matter, the latter, *forma*, or the formative principle. (page 96.)

Fr. Gmeiner is wroth with Cardinal Zigliara for maintaining that this question of the composition of bodies belongs, in reality, to the domain of metaphysics. The Cardinal did not say so without explaining what he meant. Whilst the physicist observes phenomena, facts and experiments, he cannot penetrate to the hidden causes of these phenomena and facts because they are invisible to the corporal eye, and intelligible to the intellect alone. Hence he must aim to discover them by the mind or as a metaphysician. This is the Thomistic reasoning. Time was, when Fr. Gmeiner believed the same. "There is a science which penetrates a little farther into these mysteries (of being and life) than the strictly so-called natural or

experimental sciences, viz: Christian philosophy. Here is a realm of hidden truths that cannot be touched with the hand or seen with the eye, but must be reached by reason or the intellect, which does not stop at the visible phenomena, but penetrates beyond them by reading the nature of causes in the effects." (page 95.) Evidently this is not entirely relegating "the theory of matter and form to the sublime and misty heights of metaphysical abstraction." (page 16 of Mod. Cosmol.)

We may remark here in passing, that the danger alluded to on page 14 (i. e. that new forms are educed from the potency of matter according to the Aristotelian view) exists only in the false interpretation of the phrase. Surely St. Thomas qu. 90, art. 2 ad 2, never meant to convey that forms are latent in matter, as for example the tree is in the seed, and that consequently the animal soul being a form is the final outcome of matter. He taught explicitly that matter is the subject of the form—from which it receives its being and specific action—induced therein by the action of some agent.

Singular is the inconsistency with which our author discusses the physical reality of the plant-soul. The contemptuous treatment which he accords to the Catholic philosophers (mentioned on pages 22 and 23) who uphold medieval views because, he thinks, they are ignorant of the results of modern chemical and physical science, is not calculated to inspire respect for the author's sense of fairness. Not only does he bring forth nothing which was unknown to them before the appearance of his previous work, but it would be preposterous to assume that they were ignorant of the fact that Tongiorgi or Secchi held views different from their own. They simply held fast, as did Fr. Gmeiner himself, until the time of this recent development, to the Thomistic doctrine which had, and has still, the concurrence of very learned and distinguished scientists among Catholics, as Fr. Gmeiner must have recognized at the Cath. Congress of Scientists, at Paris, where he was present.

But we need not pursue this reference any farther. Enough has been said to make the curious inquirer hearken with caution to the proclamations of modern scientists, even such as live in our own midst. The book is small, but is, for that very reason, calculated to effect more mischief than larger or more profound books of its kind might do. The subject is certainly of importance, for there is a progress in cosmological science, but it is not such as to destroy or prejudice in any perceptible way the scholastic method, which is, on the whole, constructed upon lines which will hardly ever vary, but need simply be filled out. It is very true that the Thomistic terminology does not cover all the phases of recent development in physical science, but it is not impossible to supply this defect, without rejecting the entire theory of *matter* and *form* which, more or less, pervades the whole scholastic system. Respect for the old distinction is all the more imperative, since we have, as yet, really nothing that may safely be substituted for it. Whatever Fr. Gmeiner may have to bring forth in favor of Modern Cosmology, he cannot justly afford to sneer at the scholastic system. For the rest we refer the interested reader to the paper of Mgr. De Concilio in this number. The subject will be thoroughly discussed in the REVIEW.

EDUCATION: TO WHOM DOES IT BELONG?—By the Rev. Thomas Bouquillon, D. D., Professor of Moral Theology at the Catholic University of America, Washington, D. C.—Baltimore, : John Murray & CO., 1891.

This pamphlet has been expected for some time. It is also well known that one of our leading Catholic Periodicals had refused to print the original manuscript on grounds which the public was left to conjecture.

Those among us who are especially interested in this question of the right to educate will be glad to know what are Dr. Bouquillon's views on the subject, all the more since he writes, we are told, at the request of his ecclesiastical superiors, the exponent of whose views we may suppose him to be.

The author's erudition is beyond question, even if he did not give ample evidence of it in this pamphlet. Nor may we criticise his practical judgment as to the application of certain principles drawn from the works of theologians and jurists, old and new, concerning the right to educate, since he repeatedly protests that he "deals with theoretical principles only" and that he regards any attempt to point out the practical application of his principles as equivalent to giving directions to those whom "God has placed at the head of the Church and the State.

The scope of Dr. Bouquillon's treatment of the question is, therefore, reduced to the exposition of the theory of the right to educate. He professes to have no bias as to the effect of this theory when applied to particular instances. We must confess that this limitation materially diminishes the value of so learned an exposition. There has never been much difficulty in recognizing, or admitting the principles of inherent and fundamental right in the matter, at least among those who have studied the subject, and that is to say, those who are likely to read Dr. Bouquillon's pamphlet for the purpose of obtaining light. The ultimate result to which the considerate reader would come would be that which the writer has summed up on his last page, namely that education "belongs to the individual, to the family, to the State, and to the Church." We fancy that, in the sense in which Dr. Bouquillon indiscriminately applies the word "educate", this is true and will be admitted by all except the most fanatical defender of the "family right" in education, for the State has its legitimate function in organizing the social relations of men and as such becomes to a certain extent an educator or, better said, an instructor in such matters as the parent cannot or will not supply for the common good. The real difficulty lies in the application of principles or the relative adjustment of individual rights in which there is unquestionably an order of priority. "*Precisely in the harmonious combination of these four factors* (the right of the individual, the family, the State and the Church) *in education is the difficulty of practical application.*" These are Dr. Bouquillon's own words. If there are errors committed by those who either deny to the State the right to control the education of its citizens under the circumstances, or exaggerate that right so as to allow it to *precede* the parental right, such errors are the

result, not of a want of recognized principles, but of their interpretation, when they come to be applied to certain social and political conditions. The actual position may be expressed thus: If the parent neglect his or her natural duty towards the child in educating it so that the want of education becomes a public nuisance, then the State has a right to prevent the injury done to the community by the negligence of the individual, provided such negligence is equivalent to disturbance of the public order. Hence the right of the State is not absolute or independent, but conditional, and is subject to the will of the individual unless cause can be shown, as in judicial or penal proceedings, that the parental will is exercised (or not exercised) to the actual injury of the community.

How far this may be *practically* the case with us *in America* has been shown in two papers on this subject which appeared some months ago in the ECCLESIASTICAL REVIEW (Vol. III, p. 420) wherein the writer, (whilst decidedly deprecating the introduction of "compulsory education"), pointed out the possibility of certain conditions arising from the increasing immigration of semi-civilized masses into the midst of a well organized and settled community, under which the State might be compelled to exact a measure of education for the sake of protecting the interests of the community.

The principles which Dr. B. collects from approved authors, and arranges in a masterly way, do not prevent their misapplication in practice. Moreover, whilst he himself does not pretend to pronounce on their practical worth, he unconsciously selects them and disposes them in a way which gives us a comparatively clear sight of how he would have us apply them. There is a noticeable tendency to say the "State and the Church," rather than the "Church and the State," even in places where the logic of the subject would demand the latter position. As the brochure comes with the apparent approbation of the University authorities, it deserves more attention than we can give in a book notice and we hope to have a further treatment of the subject from competent hand and with reference to Dr. B.'s exposition.

Almost simultaneously with the pamphlet to which we have made reference thus far comes an answer to it in the form of the following publication:

THE PARENT FIRST. An answer to Dr. Bouquillon's query, "Education: To whom does it belong?" By Rev. R. J. Holaind, S. J.—New York, Cincinnati and Chicago: Benzinger Bros., 1891.

"Last night," says the author in the opening words of his rejoinder, "we had the good fortune to receive a pamphlet written by the eminent Dr. Bouquillon." Skilled in the application of the Catholic principle to the social issues of the day and in America, Fr. Holaind discerns in the "theoretical principles" of Dr. B. certain statements which are apt to produce dangerous consequences, because they are susceptible of misapprehension "both by his friends and by his opponents." Thus, though apparently

not so intended by its author, the pamphlet of Dr. B. bears, in the light of existing facts, an aggressive character, and like a true knight from the ranks of Loyola, the conservative Jesuit takes up the glove dropped as though by accident, but dropped by one who has given sign of being an adversary in deed, if not in words.

Father Holaind is lucky both in discovering the weak spots of his opponent, and also in the perfect good humor with which he points them out. Considering the very short time which was allowed him to write his answer (three days), we must admire the pointedness and the thorough manner in which the work is done.

It is unfortunate for the defence of Dr. B.'s theory, even if it were without any definite tendency in pointing to a particular practice, that he occasionally applies the word "right" in the same sense to instruction as to education, though the two things are often distinct, and then indeed very different.

Naturally Fr. Holaind emphasizes the right of the parent as against the state-assumption, because it is a right first in order and springs essentially from the parental duty, whilst the state-right, so far as it goes, is only accidental or subsidiary and exercised on entirely different principle from that of the parent. The pamphlet, while it throws practical light on the subject, for which the authorities, to whom the application of principles belongs, will be thankful, gives a terse *rationale* of the question in a number of theses drawn from a work of Jansen's, where he treats the juridical aspect of the right of education. This latter addition will be of service to students. However, we expect to have more of this interesting discussion on the primary living issues of the day which cannot be judged properly by what is presently or apparently useful but must be weighed with its consequences and results as regards those to whom we are obliged to transmit undiminished and unembarrassed the precious inheritance of our faith.

CHRISTIANITY AND INFALLIBILITY — Both or Neither. By the Rev. Father Lyons.—New York: Longmans, Green & Co., 1891.

Infallibility is a common difficulty with persons who make no specialty of religious inquiry. They look upon the claim of the Church to teach infallible truth as a species of arrogance akin to that which actuates the self-appointed critic or dogmatizer in the ordinary walk of life. And yet, if we admit the legitimate call of any church appointed to communicate divine revelation, we must necessarily suppose infallibility. Truth which is not infallible is not truth at all in the sense in which we receive it from God. Man might as well be left to conjecture in regard to the facts of faith, if in their interpretation he is to have no infallible assurance that he understands or applies them correctly. This fact, though very plain, is largely overlooked by those who, to all appearances, are sincere in their conformity to the pattern of Christianity. They misunderstand the Catholic view of the subject, and from an innate prejudice, so common among re-

ligious Protestants, fail to enquire at the proper source. "Anyone at all acquainted with non-Catholic views of the subject" says the author of the book before us, "knows that the majority of objections to the dogma arise from a misunderstanding of its true scope and meaning." From this standpoint Father Lyons elucidates the subject. His method is thoroughly popular, and whilst he has admirably succeeded in avoiding that didactic and argumentative style which is apt to repel the ordinary reader of our day, he nevertheless leaves the distinct impression that his reasoning is based on sound logic and strengthened by such authorities as would command the attention of every theological student.

Whilst the work appeals more directly to Protestants, it not only tends to convince intelligent Catholics who may be weak on this point, but shows the way to the adoption of a useful system of polemics with sincere men of all ranks of belief.

The writer first defines the meaning of the dogma and then shows reason why Catholics believe and why every consistent Christian should believe it. By disposing of the objections commonly made against the Catholic claim, he clears the way to a reasonable faith which at once dispels all doubts from the anxious soul groping after truth. A suitable conclusion to the work is the testimony of a number of illustrious converts who have publicly acknowledged the happiness which, in their case, resulted from the acceptance of this truth. Among these witnesses are Mrs. Elizabeth Seton, Father Hecker, Dr. Brownson, Mr. Allies, Aubrey de Vere, Cardinals Newman and Manning. All agree that the dogma need only be understood in order to be embraced by every fair minded Christian.

The work is full of erudition, as is shown by the numerous notes indicating a wide range of pertinent and careful reading. The final chapter (Appendix B) contains some interesting notes relative to the action of the bishops at the late Vatican Council anent the declaration of Papal Infallibility, and also records a few of the evil prophesies, from enemies of the Church, which were made void. The book is a solid and timely contribution to the theological literature of the day.

LA VIE ET L'HÉRÉDITÉ. Par P. Vallet, P. S.—Paris: Victor Retaux et Fils, 1891, pp. XI, 388.

The question—what is life?—ever interesting and important, has never had deeper interest or higher importance than it has to-day. Scientists and philosophers alike are now thoroughly persuaded of the inanity of the exaggerated dualism in Anthropology, defended by Descartes and his followers, and are tending, many of them, to an equally exaggerated monism. Life is regarded as but one of the physical energies resulting from matter organized; sensation is called a mode of such life; intelligence and volition, other forms of sensation. All interwoven with the problem of life is that which concerns its source—heredity. Physiological dispositions are transmitted from parent to child. Diseases of body and mind, temperament, character, are largely inherited. Why not purely intellectual and moral peculiarities, why not all voluntary determination, why not the whole higher life?

He who throws sure light on the questions, vital in more than one sense, merits well in the cause of truth. He must bring to his work qualities not generally united in the same man—a critical eye and sure possession of at least the special categories of facts in biological science, together with a clear view, and a steady, skillful grasp of philosophical theory. That Fr. Vallet possesses these traits in no small degree is evident from his other kindred writings, and he shows them no less plainly in the present book on life and heredity.

Starting with vital action as differentiated from the energies of brute matter, by well-determined attributes, he follows the functions and principle of life in the plant, then upward in its elevation by the property of sensation in the animal; and lastly in its still higher workings in the passions, intellect and will of man.

The foundation is thus laid broad and deep for the facts and law of heredity. Inductive here as in the first part, he describes the law in the domains of physiology and psychology, noting its complexity, singularity and exceptions, notwithstanding its general extension to all the "aptitudes" of living organisms. Searching for a radical basis, and a rational theory of the facts and law, he finds them in the union of soul and body in the one complete substance and person—man. The modifications of heredity by physical environment and education; its perfect harmony with human freedom, and with a right theory of true progress, these subjects adequately treated, close the volume.

We content ourselves with this brief outline of the work, as a paper in the present number of the REVIEW will go somewhat into its details. We commend Fr. Vallet's book to our readers as giving in graceful form the leading facts and sound theory of its all important subjects.

F. P. S.

THE SCHISM OF THE WEST AND THE FREEDOM OF PAPAL ELECTION. By Rev. Henry Brann, D.D., LL.D.—New York, Cincinn. & Chicago: Benziger Bros. 1892.

Early during the present year there appeared in the "American Cath. *Quarterly* Review" a paper on the schism of the West. It was a rather favorable critique of a French work by the Abbé Gayet who cleverly attempts to vindicate the claims of Robert of Geneva, commonly styled Clement VII, a pontiff who has not been acknowledged in the Catalogue of Popes, and is generally spoken of by Catholics and the more conservative Protestant historians as an anti-pope.

The succinct history of the case is brought out in Dr. Brann's pamphlet, with a terse emphasis which courts conviction. The writer shows how the claims of Urban VI are sanctioned, not only by the line of learned pontiffs who followed him and who acknowledged no Clement VII except him who succeeded Adrian VI (1523), but by every right and title in Canon law. Incidentally, but very successfully, the question is turned into an argument in favor of the temporal independence of the Holy See, and in this lies

perhaps the main significance of Dr. Brann's defense, which gives evidence of all-sided study and of a just sense regarding the rights of the Holy See. The essay serves a good purpose, and we recommend it especially to those who read the "American Cath. *Quarterly* Review."

HIS HONOR THE MAYOR AND OTHER TALES. By John Talbot Smith. Eight Illustrations by Williamson. —New York: The Vatican Library Co. 1891.

The winter and particularly the Christmas season calls for interesting books to be put into the hands of our young folks. Father Smith as former editor of a Catholic weekly which ranked among the best of its kind in point of originality, cleanness, and especially in a marked freedom from that vulgar, half infidel, half obsequious tone which characterizes some of our so-called Catholic Journals, is in touch with the needs of our reading generation. We have Professor Egan's assurance—whose judgment we prefer on such matters to our own—that these tales are of a high order of literary merit. They depict scenes from actual life, showing a rare power of penetration; and, if at times somewhat too realistic, they are never false to human nature or dangerous in their tendency. The fact that a priest and one who wields as clever a pen as Father Talbot Smith has undertaken to write a book of this kind is not only an evidence of the need of such literature, but also a sign that it deserves the attention of those who are or should be interested in providing the young with proper material for a kind of recreation which, in this case, is not devoid of wholesome lessons.

TOM PLAYFAIR; or MAKING A START. By Francis J. Finn, S. J.—New York, Cincinnati, Chicago: Benziger Bros., 1892.

A well told novel or biography with a high moral tendency outweighs in practical importance a multitude of learned books, even when they have a moral or religious aim. "Tom Playfair" is neither a novel nor a biography, but a mixture of both. Much like "Tom Brown's Schooldays" it is fresh and original in its entire cast. The same noble purpose, or one still more exalted, which animated Mr. Hughes in describing Tom's life at Rugby, has led Fr. Finn to sketch the trials and victories of his young hero at St. Maure's. He does it with a winning grace and a natural feeling which convinces you that he relates in part, at least, the actual experience of an observant and kindly conscientious teacher. No doubt, this story will give to our boys at College some noble lessons which are apt to abide in after-life; and we believe that it would be well also for teachers and masters of boy-schools to read it for the sake of the lights which it gives in dealing with certain faults of the young lads who come to our Colleges.—Last year the author published a similar book, called "Percy Wynn," which is in reality a sequel to the present story. It seems that the accident of the inverted order in publishing the two books is due to the modest estimate which the writer formed of his own labor and which made him